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PART-IIA

GOVERNMENT OF MEGHALAYA

NOTIFICATIONS

The 5th December, 2017.

No.LJ(B).8/98/313. - In exercise of the powers conferred by section 28 of the Legal Services Authority Act, 1987 (Act No. 39 of 1987) the Governor of Meghalaya hereby makes the following rules further to amend the Meghalaya State Legal Services Authority Rules, 1989, namely, -

1. **Short title and commencement.** - (1) These rules may be called the Meghalaya State Legal Services Authority (Amendment) Rules, 2017.

(2) They shall come into force on the date of notification in the Official Gazette.

2. **Amendment of Rule 19.** - In the Meghalaya State Legal Services Authority Rules, 1998, the existing Rule 19 shall be substituted with the following, -

'19. **Fees of Lawyers and payment of.** - (1) The Panel of lawyers or any lawyers appointed or engaged by the State Authority or District Authority or High Court Committee as the case may be, shall be entitled to such fee or honorarium prescribed by the State Authority from time to time in accordance with regulation 18 of the Meghalaya State Legal Services Authority Regulations, 2000 (as amended) and the Schedule appended therein.

(2) Notwithstanding the provisions for payment of fees under these rules it shall be given to the lawyer to waive the entire amount of fees payable to him or any part thereof.'

E. M. DONN,

Joint Secretary to the Govt. of Meghalaya,
Law (B) Department.

The 5th December, 2017.

No.CDH.67/2012/80. - In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Meghalaya is pleased to make the following Rules to amend the Meghalaya Civil Defence & Home Guards (Subordinate) Service Rules, 2015 (hereinafter called the principal Rules), namely :-

1. **Short title and Commencement** :- (1) These Rules may be called the Meghalaya Civil Defence & Home Guards (Subordinate) Service (Amendment) Rules, 2017.
(2) It shall come into force with immediate effect.
2. **Addition to Rule – 2** :- In the existing Rule 2 of the principal Rules, sub-rule “(k), “TRP” means Transparent Recruitment Process” shall be added after sub-rule (j).
3. **Amendment of Rule – 6:-** The existing sub-rule (iii) of rule 6 of the principal Rules, is to be substituted by the following new sub-rule, namely:-

“(iii) **(a) Havildars and Equivalent Ranks :-** Appointment to the post of Havildars and equivalent ranks shall be made by promotion from amongst the members in the ranks of Naiks who have rendered not less than the **two years** of continuous service in the rank on the first day of the year of promotion and have successfully completed the departmental cadre training course for promotion to Havildars and equivalent rank, except the technical posts of **Compounder or Dresser and Draftsman** who shall be directly recruited **solely** on the basis of their performance in the Personal Interview. The minimum educational qualification for applying for the post of a **Compounder or Dresser** will be a Diploma in nursing and for the post of **Draftsman** will be a Diploma in Civil Engineering from a recognized institute. No Physical Measurement test, Physical efficiency test and Written Test will be conducted for appointment in these two category of posts”.

(b) Havildars Clerk /Demonstrators :- The posts of Havildar Clerk in the office of Border Wing Home Guards Battalion and District Home Guards Commandants and of Demonstrator in the Central Training Institute which are equivalent to Havildar will be filled up on the basis of Limited Competitive Departmental Exam (LCDE) for which personnel holding the rank of Naik, Lance Naik, Guardsman and their equivalent ranks and Non Combatant Employees having served in the organization for a minimum of 3 years and possessing minimum educational qualification of matriculation will be eligible. The Departmental Promotion Board will conduct the LCDE for the above posts as and when the Director General, Civil Defence & Home Guards decides that the same should be conducted on the basis of the existing or anticipated vacancies.

After conducting the LCDE, the Board will prepare the list of those who have passed the same in order of merit and submit the same to the Director General, Civil Defence & Home Guards alongwith the result sheet, for his approval.

The existing sub-rule (vi) of Rule 6 of the principal Rules is to be substituted by the following new sub-rule, namely:-

- (vi) **“Guardsman** - Appointment to the post of Guardsman and equivalent ranks (as contained in Schedule –II), shall be made 80 % by direct recruitment, 10 % by promotion from Non Combatant Employees (NCE) and 10 % by the lateral entry of Home Guards Volunteers who are already deployed with various requisitioning agencies for a minimum period of one year and above”.

4. **Amendment of Rule – 7:-** (i) In the existing Serial No.(i) of Rule 7 of the principal Rule, the words appearing as “Director General, Civil Defence & Home Guards, Meghalaya, Shillong”, are to be substituted by the words “Director of Civil Defence & Commandant General of Home Guards” or “Joint Director of Civil Defence & Joint Commandant General of Home Guards, Meghalaya, Shillong”.
- (ii) In the existing Serial No.(ii) of Rule 7 of the principal Rules, the words appearing as “Joint Director of Civil Defence & Joint Commandant General of Home Guards” are to be substituted by the words “Senior Staff Officer, Directorate of Civil Defence & Home Guards, Meghalaya, Shillong”.
5. **Amendment of Rule – 22:-** (1) In the existing sub-rule (3) of Rule 22, the figures and words appearing as “10 Km” and “5.5 Km”, are to be substituted by the figures and words “5 Km” and “3 Km”, accordingly.
- (2) The existing sub-rule (4) of Rule 22, the figures and words appearing as “10 Km” and “60 minutes” are to be substituted by the figures and words “5 Km” and “24 minutes”, accordingly.
- Further, the existing table appearing in sub-rule (4) of Rule 22, is to be substituted by the following new table in sub-rule, namely:-

Time in minutes	19.00 and below	19.01 to 20.00	20.01 to 21.00	21.01 to 22.00	22.01 to 23.00	23.01 to 24.00	24.01 and above
Marks	100	90	80	70	60	50	Disqualified

- (3) In the existing sub-rule (5) of Rule 22, the figures and words appearing as “5.5 (five and five)” and “40 minutes” are to be substituted by the figures and words “3 (three)” and “19 (nineteen)” minutes”, respectively.

Further, the existing table appearing in sub-rule (5) is to be substituted by the following new table in the sub-rule, namely:-

TIME in minutes	14.00 and below	14.01 to 15.00	15.01 to 16.00	16.01 to 17.00	17.01 to 18.00	18.01 to 19.00	19.01 and above
Marks	100	90	80	70	60	50	Disqualified

6. **Amendment of Rule – 29:-** In Rule 29 of the principal Rules, the existing title shall be substituted with the following new title as follows, namely:-

“Procedure for the recruitment to the posts of (1) Guardsman and equivalent ranks (2) Drivers (3) Non-Combatant Employees”.

The existing table displaying the criteria for recruitment to the post of Guardsman & Driver at sub-rule (1) of Rule 29, is to be substituted by the following new table, namely:-

Rank	Age	Educational Qualification	Physical Measurements
Guardsman & equivalent ranks/ Drivers	18 yrs. to 27 yrs.	Class X Passed	HEIGHT: Male (ST including other tribes of Meghalaya)- 157 cms Male (Other)- 162 cms. Female (ST including other tribes of Meghalaya)- 150 cms. Female (other)- 154cms. Note: There shall be no measurement of weight and chest.

Further, the existing table displaying the criteria for recruitment to the post of Non-Combatant Employees (NCE) at sub-rule (6) of Rule 29, is to be substituted by the following new table, namely:-

Sl. No.	Rank	Age	Educational Qualification	Physical Measurements
1.	Non-Combatant Employees	18 yrs. to 27 yrs.	Class VIII Passed	HEIGHT: Male (ST including other Tribes of Meghalaya)- 152.5cms Male (Other) - 158 cms. Female (ST including other Tribes of Meghalaya)- 149cms. Female (other) - 154cms. Note: There shall be no measurement of weight and chest.

7. **Amendment of Rule – 36:-** (1) In the existing sub-rule (3) of Rule 36 of the principal Rules, the figures and words appearing as “10 (ten)” and “60 (sixty)” are to be substituted by the figures and words “5 (five)” and “24 (twenty four)”, accordingly.

Further, the existing table appearing in sub-rule (3) of Rule 36 of the principal Rules, is to be substituted by the following new table, namely:-

Time in minutes	19.00 and below	19.01 to 20.00	20.01 to 21.00	21.01 to 22.00	22.01 to 23.00	23.01 to 24.00	24.01 and above
Marks	200	180	160	140	120	100	Disqualified

- (2) In the existing sub-rule (4) of Rule 36 of the principal Rules, the figures and words appearing as “5.5 (five and half)” and “40 (forty)” are to be substituted by the figures and words “3 (three)” and “19 (nineteen)”, accordingly.

Further, the existing table appearing in sub-rule (4) of Rule 36, is to be substituted by a new table, namely:-

Time in minutes	14.00 and below	14.01 to 15.00	15.01 to 16.00	16.01 to 17.00	17.01 to 18.00	18.01 to 19.00	19.01 and above
Marks	200	180	160	140	120	100	Disqualified

8. **Amendment of Rule – 38:-** In the existing sub-rule (2) of Rule 38 of the principal Rules, the figure appearing as “1.5” is to be substituted by the figure “2”.
9. **Amendment of Rule – 40.** – After the existing sub-rule (5) of Rule 40, the following new sub-rule (6) shall be added, namely:-

(6) 10 % of the vacant posts in the rank of Guardsman will be filled up by lateral entry from among the Home Guards Volunteers who are already deployed with various requisitioning agencies for a minimum period of one year and above.

1	Deployment Experience:	
	(i)	1 to 5 years – 5 marks
	(ii)	5 to 10 years – 7 marks
	(iii)	10 years above – 10 marks
2.	Awards / Punishment:	
	(i)	Awards – 10 marks bonus for each
	(ii)	Punishment – 10 marks minus for each
3.	Performance Certificate (To be issued by Requisitioning Agencies):	
	(i)	Grade A (Outstanding) – 5 marks
	(ii)	Grade B (Very Good) – 3 marks
	(iii)	Grade C (Good) – 2 marks
4.	Educational Qualification:	
	(i)	Under Matric – 5 marks
	(ii)	Matriculate and above – 7 marks
5.	Interview – 50 marks:	
	(i)	General Knowledge – 10 marks
	(ii)	Smartness – 10 marks
	(iii)	Uniform Turnout – 10 marks
6.	Age Limit: 45 years	
7.	Fitness: Must be Physically and Mentally fit. Must fulfill the prescribed physical measurement criteria	
8.	Reservation Policy: As per existing Rules	

- 10. Amendment of Rule – 52:-** In the existing Rule 52 of the principal Rules, the table appearing in the said rule is to be substituted by the following new table, namely:-

(i)	The Director of Civil Defence & Commandant General of Home Guards / Joint Director of Civil Defence & Joint Commandant General of Home Guards, Meghalaya, Shillong.	-	Chairman
(ii)	Senior Staff Officer, Directorate of Civil Defence & Home Guards, Shillong.	-	Member Secretary
(iii)	The Commandant, Central Training Institute, Civil Defence & Home Guards, Meghalaya, Shillong.	-	Member
(iv)	The Divisional Commandant / District Home Guards Commandant, Shillong.	-	Member
(v)	The Divisional Commandant / District Home Guards Commandant, Tura.	-	Member
(vi)	The Senior Medical & Health Officer, Central Training Institute, Civil Defence & Home Guards, Meghalaya, Shillong.	-	Member

11. **Amendment to Schedule II:-** The existing Sl. No.3 & 6 of the Schedule II as specified under Rule 6 of the principal Rule is to be substituted by the following new entries, namely:-

Sl. No.	Name of Post	Method of recruitment with percentage of vacancies to be filled up by Direct Recruitment or Promotion.	Educational Qualification, etc. required for Direct Recruitment	Lower Age Limit	Upper Age Limit	Person eligible for consideration for promotion to posts mentioned in col. 2	Experience	Remarks
3. (i)	Havildar, Armourer Havildar, Pipe Band Havildar, Quarter Guards Havildar, Havildar Instructor, Platoon Havildar, Leading Fireman, Havildar Store, Havildar Mechanic and all the equivalent posts	By Promotion: 100%	Does not Arise	-	-	By promotion from the rank of Naik and equivalent rank who have successfully completed the Department Cadre Training Course for promotion.	2 years continuous service in the rank as on the 1 st day of the year of promotion.	
(ii) (iii)	Havildar Clerk Demonstrators	Through Limited Competitive Departmental Exam: 100%	-	-	-	Through Limited competitive Departmental Exam of Naik, Lance Naik, Guardsmen and their equivalent ranks and Non Combatant Employee possessing minimum educational qualification of matriculation will be eligible.	3 years in the organization and possess minimum educational qualification of matriculation will be eligible	
(iv)	Draftsman	By Direct Recruitment: 100%	Diploma in Civil Engineering from recognized Institute	20 yrs.	27 yrs. In case of those belonging to ST/SC, relaxation will be given as per Govt.'s policy	-	-	
(v)	Dresser / Compounder	By Direct Recruitment: 100%	Diploma in Nursing from recognized Institute	20 yrs.	-do-	-	-	

Sl. No.	Name of Post	Method of recruitment with percentage of vacancies to be filled up by Direct Recruitment or Promotion.	Educational Qualification, etc. required for Direct Recruitment	Lower Age Limit	Upper Age Limit	Person eligible for consideration for promotion to posts mentioned in col. 2	Experience	Remarks
6.	Guardzman, Quarter Guard Home Guards, Bugler, Fatigue Partyman, Bandsman, Fireman, Mechanic, Storeman, Wireless Operator.	(a) By Direct Recruitment: 90 p. c.	(a) Class-X passed	(a) 18 Yrs.	(a) 27 years. In case of those belonging to ST/SC, relaxation will be given as per Govt's Policy.			
		(b) By Promotion: 10 p. c.	(b) Does not arise	(b) Nil	(b) Does not arise.	By promotion from the rank of Non Combatant Employees (NCE) who have successfully completed the Departmental Cadre Training Course for promotion.		
		(c) By Lateral Entry: 10% of Home Guards Volunteers who are already deployed with various requisitioning agencies for a minimum period of one year and above.	(c) Does not arise	(c) 20 Yrs.	(c) For those entering into paid posts by lateral entry, the Upper age limit will be 45 yrs.			

12. **Amendment to Schedule – I:-** The existing Sl.3 of the Schedule – I as specified under Rule 6 of the principal Rule is to be substituted by the following new entries, namely:-

Sl. No.	Name of Posts	Time Scale Pay	Number of Posts		
			Permanent	Temporary	Total
3.	(i) Havildar, Armourer Havildar, Pipe Band Havildar, Pipe Band Naik, Demonstrator, Havildar Instructor, Havildar Clerk, Platoon Havildar, Leading Fireman, Havildar (Store/Clerk/Accountant/ Mechanic/ Armourer/Quarter Guard).	₹ 9200-230- 10810-EB-300- 13510-410- 18020/-.	82	-	82
	(ii) Draftsman	-do-	1	-	1
	(iii) Dresser / Compounder	-do-	2	-	2

P. S. THANGKHIEW,

Addl. Chief Secretary to the Govt. of Meghalaya,
Civil Defence & Home Guards Department.

The 15th December, 2017.

From : Shri P. K. Agrahari, IFS,
Secretary to the Govt. of Meghalaya,
Finance Department.

To : The Accountant General (A & E),
Meghalaya, Shillong.

Subject :- *Fixation of pay of employees on promotion - Exercise of option thereof.*

Reference:- 1. O.M. No.FEG. 14/2012/20, dated 2nd July, 2013.
2. O.M. No.FEG. 14/2012/1, dated 20th June, 2012.

Sir,

No.FEG. 14/2012/76. - Instances have come to the notice of the Government where Government employees lose out to the annual increment due on 1st July of the relevant year when they are promoted during 2nd January and 30th June of a particular year (both days inclusive), without according any retrospective effect to the said promotion. Though the O.M. dated 20th June, 2012 (referred above) provides exercise of option to defer the fixation of pay till date of next increment (1st July) in order to avoid losing of annual increment on 1st July, the said exercise of option should be done within 1 month of date of promotion/joining in the higher post in view of O.M. dated 2nd July, 2013. As such, many employees lost the said annual increment on 1st July due to non-exercise of any option within 1 month and has led to several representations to allow refixation of their pay based on the option proposed in the representation.

Government, after careful consideration on the matter has decided that in order to protect the undue financial loss to those employees, which may affect their future pay, pension etc., the employees may be allowed to exercise option for refixation of their pay as a one time measure only pending modification to O.M. dated 2nd July, 2013 referred above. This exercise should be completed within 31st March, 2018.

This has the approval of the **Competent Authority.**

P. K. AGRAHARI,
Secretary to the Govt. of Meghalaya,
Finance Department.

The 20th December, 2017.

No.ERTS (E) 45/2017/14. - In exercise of the powers conferred by Section 21 of the Meghalaya Excise Act (Assam Excise Act, 1910 as adapted by Meghalaya) and in partial modification to the Government Notification No.ERTS (E) 11/2011/11, dated 28th April, 2011, the Governor of Meghalaya is pleased to notify the following with immediate effect:-

Beer / Wine/ Rum drawn by Canteen license	Rate of Levy
(III) IMFL drawn by canteen - All types of IMFL ranging from ₹ 0 per case onwards per case of 12 bottles of 750 ml or equivalent quantity.	40% advalorem levy on cost price subject to minimum of ₹ 405/- per case of 12 bottles of 750 ml or equivalent quantity.

P. W. INGTY,

Additional Chief Secretary to the Govt. of Meghalaya,
Excise, Registration, Taxation & Stamps Department.

PRELIMINARY NOTIFICATION

(Under Section 11 (1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Re-Settlement Act, 2013 (Act No. 30/2013)

The 14th December, 2017.

No.RDA.31/2017/20.—Whereas it appears to the Government of Meghalaya that the land measuring **4317.34 Sqr. Mrts** is required at certain location in East Jaintia Hills District for public purpose, viz Construction of Indo-Bangladesh Border Fencing at Leijri village.

Whereas, the Government has directed that all provisions of Chapter II to Chapter III shall not apply in this instant preliminary notification, under Section 10 (A) (a) of the Ordinance -9/2014, vide letter No. RDA.13/2015/64-A, Dated 19th March, 2015.

Any person (s) interested in this land which is notified hereunder may within 60 (sixty) days from the date of publication of this instant notification, may object to - the area and suitability of land proposed to be acquired and justification offer for public purpose to the collector in writing.

Schedule of land details: Enclosed at Annexure I.

The appropriate Government is pleased to authorized the Deputy Commissioner and his staff to enter upon and survey land take levels of any land dig or bore into the sub-soil and do all other acts required for the proper execution of their work as provided and specified in section 12 of the said Act.

Under section 11 (4) of the Act no person shall make any transaction or cause any transaction of land i.e. sale/purchase, specified in the Preliminary Notification or create any encumbrance on such land from the date of publication of such Notification without prior approval of the District Collector.

This Notification is made under the provision of section 11 (1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Re-Settlement Act, 2013.

B. HAJONG,

Joint Secretary to the Govt. of Meghalaya,
Revenue & Disaster Management Department, Shillong.

ANNEXURE I

SCHEDULE OF LAND DETAILS

I

Dimension	Boundaries			
North	IBB Road			
South	Ajmal Pohsyntiew			
East	Win Sumer			
West	Phri Manar			
Name of the Block	Village	Rural/Urban	Area to be acquired (Sq. Mtrs.)	Name of the land owner
Wapung	Leijri	Rural	1215	Novelina Pohsyntiew

II

Dimension	Boundaries			
North	Henry Najiar			
South	Novelina Pohsyntiew			
East	IBB Road			
West	Phri Manar			
Name of the Block	Village	Rural/Urban	Area to be acquired (Sq. Mtrs.)	Name of the land owner
Wapung	Leijri	Rural	2580	Ajmol Pohsyntiew

III

Dimension	Boundaries			
North	Simiai Khongstia			
South	Kil Langshiang			
East	B. Pasewt			
West	Simiai Khongstia			
Name of the Block	Village	Rural/Urban	Area to be acquired (Sq. Mtrs.)	Name of the land owner
Wapung	Leijri	Rural	522.34	Asa Suliang

PRELIMINARY NOTIFICATION

(Under Section 11 (1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Re-Settlement Act, 2013 (Act No. 30/2013)

The 14th December, 2017.

No.RDA.81/2017/9.—Whereas, it appears to the Government of Meghalaya that the land measuring **1918.80 Sqr. Mrts** is required at certain location in East Jaintia Hills District for public purpose, viz Construction of Indo-Bangladesh Border Fencing at Dona village.

Whereas, the Government has directed that all provisions of Chapter II to Chapter III shall not apply in this instant preliminary notification, under Section 10 (A) (a) of the Ordinance -9/2014, *vide* letter No. RDA.13/2015/64-A, Dated 19th March, 2015.

Any person (s) interested in this land which is notified hereunder may within 60 (sixty) days from the date of publication of this instant notification, may object to the area and suitability of land proposed to be acquired and justification offer for public purpose to the collector in writing.

Schedule of land details: Enclosed at Annexure I.

The appropriate Government is pleased to authorized the Deputy Commissioner and his staff to enter upon and survey land take levels of any land dig or bore into the sub-soil and do all other acts required for the proper execution of their work as provided and specified in section 12 of the said Act.

Under section 11 (4) of the Act no person shall make any transaction or cause any transaction of land i.e. sale/purchase, specified in the Preliminary Notification or create any encumbrance on such land from the date of publication of such Notification without prior approval of the District Collector.

This Notification is made under the provision of section 11 (1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Re-Settlement Act, 2013.

B. HAJONG,

Joint Secretary to the Govt. of Meghalaya,
Revenue & Disaster Management Department, Shillong.

ANNEXURE I
SCHEDULE OF LAND DETAILS

Dimension	Boundaries			
North	Dona River			
South	Benly Lyngwar			
East	Trinity Lyngdoh			
West	Bangladesh			
Name of the Block	Village	Rural/Urban	Area to be acquired (Sq. Mtrs.)	Name of the land owner
Wapung	Dona	Rural	1918.80	Sarthe Teron

The 4th December, 2017.

NOTIFICATION NO. - 366

No.MBOSE/ESSTT-139/RR/2011/38460. - It is hereby notified for information of all concerned that the (i). MBOSE Service Regulation 2016, (ii). MBOSE Supplementary Regulation 2016, (iii). MBOSE Conduct Regulation 2016, as approved by the Govt. of Meghalaya *vide* No.EDN 271/2009/144, dated Shillong the 1st August, 2015 and No.EDN. 271/2009/147, dated Shillong the 5th January, 2017 shall be made effective for the sm ioning of the office work from the date of this notification.

PRAVIN BAKSHI,

Executive Chairman,

Meghalaya Board of School Education,

Tura.

Meghalaya Board of School Education Service Regulations, 2015 has been approved by the Government of Meghalaya *vide* letter No.EDN.271/2009/144, dated Shillong, the 11th August, 2015.



PRAVIN BAKSHI,

Executive Chairman

Meghalaya Board of School Education

Tura.

**MEGHALAYA BOARD OF SCHOOL EDUCATION
HEADQUARTERS :: TURA
MEGHALAYA**

The Meghalaya Board of School Education Employees Service Regulations 2012.

In exercise of the powers conferred under Section 12 and 23 of the Meghalaya Board of School Education Act, 1973, and subject to a general or special order of the State Government, the following Regulations are hereby published:

CHAPTER I

EXTENT OF APPLICATION

- | | | |
|----|--|--|
| 1. | (1) – These regulations may be called “Meghalaya Board of School Education Employees’ Service Regulations 2016.”
(2) – They shall come into force on and from such date as notified in the Official Gazette. | Short title and commencement |
| 2. | Subject to the provisions of the Constitution of India and except where it is otherwise expressed or implied, these regulations apply to all members of service and holders of posts whose conditions of service the Board are competent to prescribe. Subject as aforesaid they shall also apply to -
(i) Any person for whose appointment and conditions of employment special provision is made by or under any law or rule for the time being in force;
(ii) Any person in respect of whose service, pay and allowances or pension or any of them special provision has been made by an agreement with him, in respect of any matter not covered by the provisions of such law or rule or agreement. | To whom the regulation apply |
| 3. | The power of interpreting these rules is reserved to the Board. | Interpretation |
| 4. | Nothing in these regulations shall be construed to limit or abridge the power of the Board to dispense with or relax the requirement of any of these regulations to such extent and subject to such conditions as may be considered necessary for dealing with a case in just and equitable manner. Provided that where any such regulations or orders are applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by these rules or orders. | Relaxation |
| 5. | Notwithstanding anything contained elsewhere in these regulation or in any other regulations or orders for the time being in force, if a Board employee, being present at the place of his duty, abstains from work without permission or refuses to work at any time during the prescribed hours of work on any day or days, he shall, in addition to being liable to such disciplinary action as may be taken against him for dereliction of duty, be deemed to be absent from duty without leave for such day or days and shall not be entitled to draw any pay or allowances for such day or days, as the case may be. | Absenting from or refusal to work to be treated absence without leave. |

6. Notwithstanding anything contained elsewhere in these regulations or in other rules for the time being in force: Resorting to strike
- (a) If any Board employee resorts to or in any way abets any form of strike or any period in connection with any matters pertaining to his service or the service of any Board employee, he shall, in addition to being liable to such disciplinary action as may be taken against him in that connection be deemed to be absent without leave during such period and shall not be entitled to draw any pay and allowances for that period.
- (b) The authority empowered to grant leave may either commute retrospectively such period of absence without leave into extraordinary leave or may treat such period of absence without leave as amounting to a break in service entailing forfeiture of his previous services, and may pass orders accordingly.
7. (1) Where under these regulations any authority has been empowered to issue any order, the exercise of such power shall be subject to such directions as the Board may from time to time issue in this behalf. Direction of the Board
- (2) The powers delegated by or under the Meghalaya Board of School Education Act, 1976 and such other relevant rules, regulations or orders and detailed in Appendix-I are subject to the conditions that the powers may be exercised by the authority to whom it has been delegated in respect of those Board employees who are under the control of that authority.
- Provided that nothing contained in Appendix-I shall operate to restrict the powers conferred upon such authority by any other rules, regulations or orders framed thereunder.
8. (1) The regulations of the employees of the Meghalaya Board of School Education, 1976 are hereby repealed. Repeal and savings
- (2) Notwithstanding such repeal, anything done or any action taken or deemed to have been done or taken under the said regulations shall so far as it is not inconsistent with these regulations be deemed to have been done or taken under the corresponding provision of these regulations.

CHAPTER II**DEFINITIONS**

9. Unless there is something repugnant in the subject or context, the terms defined in this chapter are used in the regulations in the sense, here explained: Definition

- (1) "Appointing Authority" means the Board or any other authority empowered by it to make appointment to such service, grade or post, as the case may be.
- (2) "Average Pay" means the average monthly pay earned during the six complete months immediately preceding the month in which the event occurs which necessitate the calculation of average pay.
NOTE – The term "month" in this rule means the calendar month as in Reg 9 (24).
- (3) "Basic Pay" means the pay, other than special pay and any other emoluments which may specially be classed as pay by the Board or pay granted in view of personal consideration or qualifications, which has been sanctioned for a post held by a Board employee substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre.
- (4) "Board " means the Meghalaya Board of School Education.
- (5) "Board employee" means a person who holds a post of the Board, State Government or any other authority whose services are temporarily placed at the disposal of the Board.
- (6) "Cadre" means the strength of a service or a part of a service sanctioned as a separate unit.
- (7) "Compensatory Allowance" means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes the following kinds of allowances – travelling allowance, House rent allowance, local or hills compensatory allowance, etc. However, it does not include a sumptuary allowance.
NOTE – The circumstances for the grant of the Compensatory allowance are entirely different from those for the grant of both compensatory allowance and the special pay if the conditions for their grant are satisfied.
- (8) "Controlling Officer" means the Executive Chairman, Meghalaya Board of School Education.

- (9) "Day" means a calendar day beginning and ending at midnight but an absence from headquarters which does not exceed twenty four hours shall be reckoned as one day, at whatever hours the period begins and ends.
- (10) "Disciplinary Authority" in relation to imposition of a penalty on a Board employee means the authority competent under these regulations to impose on him such penalty.
- (11) "Duty" means the period during which a Board employee performs the duties of a post, and includes:
- (i) Service as a probationer or apprentice provided that such service is followed by confirmation.
- NOTE - 1. Service as a probationer is "Suigeneris", i.e. neither substantive nor officiating. A Board employee who is recruited as a probationer with a view to substantive appointment to the cadre of a service or department does not, therefore, acquire a lien on a post in that cadre until he is confirmed in the service or post.
2. The service of probationers count as duty before confirmation, if the scale of pay fixed for a particular service or post provides for the grant of increments during the probationary period. The service of persons appointed on probation to the post with incremental scale for probationary period also counts as duty for increments.
- (ii) Joining time.
- (iii) During a course of instruction or training subject to the following conditions: -
- (a) The training or instruction should be connected with the post which the Board employee is holding at the time of placing him in training or instruction; and,
- (b) That it is obligatory on the part of the Board to send the person concerned for such training or instruction.
- (iv) In the case of a student, stipendary or otherwise who is entitled to be appointed to service of the Board on passing, through a course of training at a university, college or school, during the interval between the satisfactory completion of the course and his assumption of duties.
- (v) A Board employee required to attend a departmental examination is on duty during a reasonable time required for the journey to and from the place of examination and the day or days of the examination.
- (12) "Executive Chairman" means the Executive Chairman of the Board.

- (13) "Family" includes the Board employee's wife, his legitimate children and step children residing with and wholly dependent on him, and also his parents, sisters and minor brothers if wholly dependent on, and residing with him. The term "children" includes major sons, married daughters and widowed daughters so long as they are residing with and wholly dependent on him. Also, "parents" include grandmother.
- (14) "Fee" means a recurring or non-recurring payment to a Board employee from a source other than the Board Fund, whether made directly to him or indirectly through intermediary of the Board.
- (15) "Foreign Service" means service in which a Board employee receives his pay with the sanction of the Board from any source other than the revenue or fund of the Board.
- (16) "Fund" means the fund of the Meghalaya Board of School Education.
- (17) "Government" means the Government of Meghalaya.
- (18) "Holiday" means –
 (a) a holiday prescribed or notified by or under Section 25 of the Negotiable Instruments Act, 1881, as amended by Act No. XXXVII of 1955, and
 (b) in relation to any particular office a day on which such office is ordered by the Board to be closed for the transaction of Board business without reserve or qualification.
- NOTE** – A question having been raised whether a restricted holiday could be prefixed or suffixed to casual leave or regular leave, it is observed that a restricted holiday is not exactly covered under Reg. 9 (18) above as it stands at present, because on a restricted holiday, the office is not closed for transaction of Board business without reserve or qualification.
- (19) "Honorarium" means a recurring or non recurring payment granted to a Board employee from revenues as remuneration for special work of an intermittent or occasional character.
- (20) "Joining time" means the time allowed to a Board employee in which to join a new post to or from a station to which he is posted.
- (21) "Leave Salary" means the monthly amount paid by the Board to a Board employee on leave.
- (22) "Lien" means the title of a Board employee to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.
- (23) "Ministerial employee" means a Board employee of a subordinate service whose duties are entirely clerical and any other class of employee

specially defined as such by general or special order of the Board.

- (24) "Month" means a calendar month. In calculating a period expressed in terms of months and days complete calendar months, irrespective of days in each, should first be calculated and the odd number of days calculated subsequently.

NOTE – In calculating a period of 3 (three) months and 20 (twenty) days from 25th January, 3 (three) months should be taken as ending as ending on 24th April and 20 (twenty) days on 14th May. In the same way, the period from 30th January to 2nd March should be reckoned as 1 (one) month and 2 (two) days because 1 (one) month from 30th January ends on 28th February. A period of 1 (one) month and 29 (twenty nine) days, commencing from the 1st January will expire, in an ordinary year (not leap year and in which February is a month of 28 (twenty eight) days on the last day of February, because a period of 29 (twenty nine) days cannot obviously mean to exceed a period of full calendar month and leave for 2 (two) months from 1st January would end on the last day of February. The same would be the case if February were a month of 29 (twenty nine) days (leap year) or if the broken period were 28 days (in an ordinary year).

- (25) "Officiate" – A Board employee officiates in a post when he performs the duties of a post on which another holds a lien. The Board may, if it thinks fit appoint a Board employee to officiate in a vacant post on which no other Board employee holds a lien.

- (26) "Pay" means the amount drawn monthly by a Board employee as:
- (i) the pay, other than special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre;
 - (ii) Technical pay, Special pay and Personal pay; and
 - (iii) any other emoluments which may be specially classed as pay by the Board.

- (27) "Pension" means an amount paid to a Board employee after retirement. Except when the term "Pension" is used in contradiction to Gratuity, it includes gratuity and family pension.

- (28) "Permanent post" means a post carrying a definite rate of pay sanctioned without limit of time.

- (29) "Personal pay" means additional pay granted to a Board employee: -
- (a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure;
- OR

(b) in exceptional circumstances, on other personal consideration.

- (30) "Presumptive pay of a post" when used with reference to any particular Board employee, means the pay to which he would be entitled, if he held the post substantively and were performing its duties; but it does not include special pay unless the Board employee performs or discharges the work or responsibility, in consideration of which the special pay was sanctioned.

NOTE - The first part of the definition is intended to facilitate the use of the term in relation to a Board employee who has been absent from a post for sometime but still retains a lien on it.

- (31) "Probationer" means a Board employee employed on probation in or against a substantive vacancy in the service or cadre of a department.

Administrative Instructions -

(a) The term "Probationer" does not cover a Board employee who holds substantively a permanent post in a service or cadre and is appointed on "on probation" to another post.

(b) No person appointed substantively to a permanent post in a service/cadre is a probationer, unless definite conditions of probation have been attached to his appointment such as the condition that he must remain on probation pending the passing of certain examination.

(c) The status of a probationer is to be considered as having the attributes of a substantive status except where the regulations prescribed otherwise.

NOTE - A probationer is entitled under Reg 173 to leave if he held his post substantively otherwise than on probation, and so no difficulty arises about a probationer whether he is confirmed in the post against which he was recruited or confirmed in another post. An apprentice is a person deputed for training in trade or business with a view to employment in Board service, who draws pay at monthly rates from the Board during such training but is not employed in or against a substantive vacancy. Thus the case of an apprentice stands on a different footing as he is governed by Reg 173, which provides only for leave during the apprentice period. On confirmation, he cannot count his apprentice period for leave as if it had been service rendered substantively in a permanent post.

- (32) "Provident Fund" means the fund in which the subscription or deposit of any class or classes are received.
- (33) "Scheduled Caste and Scheduled Tribe" means as defined to the Constitution of India under Constitution (Scheduled Tribes) Acts, 1950, as annexed.
- (34) "Selection Committee" means the Committee constituted by the Board under Section 21 of the Meghalaya Board of School Education Act, 1973 for selection and recruitment of candidates for appointment to the various

posts under the Board's service. Every such committee shall consists of such members of the Board and of such persons as the Board may appoint. The members of such committee shall hold office for such time as the Board may determine.

- (35) "Service" means service under the Meghalaya Board of School Education.
- (36) "Special pay" means an addition, of the nature of pay, to the emoluments of a post or of a Board employee, granted in consideration of –
(a) the specially arduous nature of the duties;
OR
(b) a specific addition to the work or responsibility.
- (37) "Subsistence allowance" means a monthly grant made to a Board employee who is not in receipt of pay or leave salary.
- (38) "Substantive pay" means the pay other than special pay, personal pay or emoluments classed as pay by the Board under Reg. 9 (26) (iii) to which a Board employee is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre or service.
NOTE – In the case of a person with a lien on a permanent post under the State Government, "substantive pay" means the substantive pay as defined in the relevant rules of the State Government.
- (39) "Temporary post" means a post carrying a definite rate of pay sanctioned for a limited period.
NOTE – A temporary post can be held either substantively or in an officiating capacity. An extension of a temporary post necessary to cover the period of leave granted to its holder, is expedient only when grant of leave involves no expense to Board.
- (40) "Tenure post" means a permanent post which a Board employee may not hold for more than a limited period.
NOTE – If a question arises whether a post is or not a tenure post, the decision of the Board thereon will be final.
- (41) (a) "Time –scale pay" means pay which, subject to any conditions prescribed in these regulations, arises by periodical increments from a minimum to a maximum. It includes the class of pay hitherto known as progressive.
(b) Time-scale are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of the time-scale are identical.
(c) A post is said to be on the same time-scale as another post on a time-scale if the two time-scales are identical and the posts fall within a cadre, or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character

or degree of responsibility, in a service or establishment or group of establishments, so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

NOTE - A point has been raised whether pay scales which are identical in all respects except the Efficiency Bar should be treated as identical or not. It has been decided that two time-scales should be treated as identical within the meaning of Reg 9 (41) even though the scales may differ in the matter of provision of Efficiency Bars.

- (42) "Transfer" means the movement of a Board employee from one place to take another or from one post to another, either –
 (a) to take up the duties of a new post;
 OR
 (b) in consequence of change of his headquarters.
- (43) "Travelling allowance" means an allowance granted to a Board employee to cover the expenses which he incurs in travelling in the interest of the public service. It includes allowances granted for the maintenance of conveyance, horses and tents.
- (44) "Vacation department" is a department or part of a department to which regular vacations are allowed during which Board employees serving in the department/office/establishment are permitted to be absent from duty.
NOTE – In case of doubt as to whether a Board employee is serving in a vacation department or not, the decision of the Board shall be final.
- (45) "Year" means calendar year.

CHAPTER III GENERAL CONDITIONS OF SERVICE

10. (1) Regulations for recruitment, appointment and promotions including all related matters therewith in various categories of posts/ services within a cadre or post(s) and/ or other posts under the Board are indicated in the Supplementary Service Regulations (SSR) to the Board's service Regulation 2016 in Appendix-A.

Supplementary
Service Regulations

(2) Except as provided by this regulation, no person may be appointed a permanent post in Board service without a Medical Certificate of Health. A Medical Certificate of Fitness shall be in the following form:

No Appointment
without Medical
Certificate of
Fitness/ Health

"I hereby certify that I have examined A.B., as a candidate for employment in the..... Department, and cannot discover that has any disease communicable or otherwise, constitutional weakness or bodily infirmity except I do not consider this a disqualification for employment in the office of the

Candidate's signature

Signature of the
Authorised Medical Authority

Signed in my presence:

Signature of the Authorised
Medical Authority.

NOTE - 1. In the case of the Group "D" post, the signature of the candidate should be taken or if the candidate is illiterate, the thumb and finger impressions should be taken on the certificate in the presence of, and certified as so taken by the Authorised Medical Authority/Officer who grants the certificate. These should afterwards be verified by the Head of the Office with those in the Service Book/Roll.

NOTE - 2. Unless otherwise exempted, a Board employee appointed in a temporary vacancy for a period exceeding six months should also be required to produce a Medical Certificate of Fitness.

NOTE - 3. Once a candidate is asked by an authority to produce a Medical Certificate of Fitness either for entry into the Board Service whether in a permanent or temporary capacity or for any other purpose and has actually been examined and declared unfit, it is not open to such authority to use its discretion to ignore the certificate that has been produced. Cases where it becomes absolutely necessary to retain the services to such personal on a temporary basis due to certain administrative reasons should be referred to the Board.

NOTE - 4. In exceptional cases of urgency, however, it occasionally becomes necessary to appoint an individual straightaway and arrange for medical examination by the competent medical authority immediately thereafter (but such instances should be reduced to the minimum). When the competent medical authority declares such a person as "unfit" for appointment to the post specified, the services of the employee should be terminated forthwith.

Though medical opinion should not declare a candidate as “fit for temporary employment”, it sometimes happens that a candidate is declared “temporarily unfit” as requiring re-examination after a specified period in cases where the condition of temporary unfitness is curable in a reasonable period of time. In such cases, there should be no objection to a Board employee declared “temporarily unfit” physically being retained in service for a specified period by the competent medical authority provided that –

- (i) the period after which a second medical examination is to be conducted is specified by the competent medical authority;
- (ii) the condition leading to temporary unfitness is declared as being curable within a reasonable period;
- (iii) the disease is not of such nature as to be a source of risk to others with whom the Board employee may have to come in contact in the course of his duties;
- (iv) where the period of such retention is likely to exceed six months, the approval of the Board shall be absolutely necessary.

Note 5-. It has also been decided that a Board employee so appointed in advance of medical examination should be paid his salary for the period of his employment, if he is declared “unfit” and for the period of his retention in service if he is declared “temporarily unfit” as at Note –4 above.

11. The Medical Certificate of Fitness furnished by a Board employee is an important document and it should be kept in safe custody along with other documents connected with his service career. However, an entry in his Service Book/Roll may be made under the signature of the Head of the Office that he has furnished the Medical Certificate of Fitness.

Entry in Service Book/Roll of Medical Certificate of Fitness to be made

12. The following classes of Board employees are exempted from producing a Medical Certificate of Fitness as required under Reg 10 - (a) A person not in permanent employ appointed temporarily for a Period of less than six months; Provided that if the temporary appointment for less than six months is subsequently extended or is likely to be extended beyond six months, the person concerned shall be required to furnish the requisite certificate of fitness before the expiry of six months from the date of his appointment;

(b) A temporary Board employee who has once been medically examined either under Reg. 10 and (a) above, if –

Exemption from production of Medical Certificate of Fitness

- (i) Transferred subsequently, without any break in service, to hold, either on an officiating or on a

temporary basis, a post in another office or cadre/post; or

- (ii) appointed substantively, whether on probation or otherwise, to a permanent post under the Board, provided that it shall always be open to the medical examination, prior to confirmation, if he so deems necessary.

(c) A Board employee already appointed substantively, whether on probation or otherwise, to a permanent post in Board service on the production of a Medical Certificate of Fitness under Reg. 10, if promoted or transferred to another post in Board service; and,

(d) A retired Government/Board employee re-employed after retirement.

(e) A Board employee is promoted from a non-qualifying service paid from a local fund to a post in superior Board service or a person who is re-appointed after resignation or forfeiture of past service.

NOTE – When a person is re-appointed in circumstances indicated in Clause (e) above, the appointing authority shall decide whether a Medical Certificate of Fitness should be produced or not.

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| 13. | <p>Except as otherwise provided by this regulations, the certificate referred in Reg. 10 shall be obtained: -</p> <p>(a) In the case of a candidate for employment in Class I/Group 'A' post or service, from the Medical Board in Shillong;</p> <p>(b) In other cases –</p> <p>(i) In districts, from the District Medical & Health Officer or such Medical & Health Officers where they are appointed and the certificate granted shall be countersigned by the District Medical & Health Officer.</p> <p>(ii) In Shillong women candidates for Board service shall be examined by the Medical Superintendent, Ganesh Das Women and Children Hospital, Shillong, for all purposes when medical examination is to be done by a single Medical Officer.</p> <p>(iii) When a woman candidate is to be examined by the Medical Board at Shillong, the Medical Superintendent, Ganesh Das Women and Children Hospital shall be one of the members of the Shillong Standing Medical Board.</p> <p>(iv) In the case of Class IV/Group 'D' employees, the Medical Certificate Of Fitness shall be signed by the Authorised Medical Attendant possessing a medical qualification included in the Schedules to the Indian Medical Board Act, 1956 and when there is no such Authorised Medical Attendant by a Government Medical Officer of the nearest dispensary or hospital possessing such qualification.</p> | Competent Medical Authority |
| 14. | <p>Except as otherwise provided by regulations governing recruitment to a particular post or service a person whose age exceeds twenty-seven (27) years on the 1st January of the year in which the recruitment</p> | Age of first appointment |

is made may not ordinarily be admitted into the service of the Board without the sanction of the Board. This ordinary limit is relaxable –

(i) In the case of candidates belonging to the Scheduled Tribes of the Hills and/or plains as may be prescribed by the Board.

15. The Board in exceptional cases may condone for reasons to be recorded in writing, an excess in age over the prescribed limit. Condonation of excess in age on first appointment
16. (1) Every applicant shall at the time of and for the purpose of entry into the Board service submit to the appointing authority a declaration in the form set out in NOTE 1 below stating the year, month and date of his birth or where the date of birth is not known or both the month and date of birth are not known, the year and the month, or only the year of birth, as the case may be. The declaration so made shall be binding on the applicant and he shall have no right to revise it subsequently for any reason whatsoever. Declaration of age
- (2) The applicant shall produce evidence in support of his declaration. If the applicant has passed the Matriculation or the School Final or the Higher Secondary Examination, the certificate of having passed the examination, indicating the applicant's age, granted by the Board or University holding the examination shall be produced. In any other case, the applicant shall produce other reliable evidence of his age. Wherever possible, an extract from the register of birth maintained by local authority, showing the date of the applicant's birth shall be produced.
- (3) The appointing authority shall consider the declaration made by the applicant under sub reg. (1) and the evidence produced in support thereof and pass an order fixing the year, month and date of birth. In doing so, the appointing authority shall, in the case of an applicant selected by the Service Selection Committee (if any), also take into consideration the year, month and date of birth declared by the applicant in the application form submitted by him to the Service Selection Committee and accepted by them.
- (4) Where the appointing authority is not the Board and the year or month or date of birth proposed to be fixed under sub-reg (3) is different from the year or month or date of birth declared by the applicant in the application form submitted by him to the Service Selection Board, the appointing authority shall submit the case with its recommendation to the Committee and thereupon final orders shall be passed by the Board in this behalf.
- (5) The appointing authority or where the final order fixing the year, month and the date of birth of a Board employee has been passed by the Board, the Board may at any time for sufficient reasons review the order fixing the year, month and date of birth and modify the same, provided that the year, month and date of birth shall not be modified to the disadvantage of the Board employee concerned unless he has given an opportunity of making any representation which he may wish to make against the proposal action.

(6) When under this regulation, only the year of birth is declared and accepted, the 1st day of July of that year and where the year and month are declared and accepted, the 16th day of the month in question shall be taken as the date of birth.

NOTE 1. – The declaration under sub-reg (1) shall, as nearly as may be, in the following form(s);

FORM 1

(To be used where the year, month and date of birth are known)

I, Mr/Mrs/Ms _____ having been selected for appointment in Board service, do hereby declare that I was born at _____ (place of birth) on _____ (date, month and year). I also annex herewith the following documents in support of the above statement: -

- (1) _____
- (2) _____
- (3) _____

2. I do further declare that the year, month and date of birth as recorded herein are binding on me and I shall not ask for any modification thereof at any subsequent date

Place _____

Date _____

Signature
(NAME IN BLOCK LETTERS)

3. Orders of the appointing authority

Signature

FORM II

(To be used where only the year and month or only the year of birth are/is known)

I, Mr/Mrs/Ms _____ having been selected for appointment in Board service, do hereby declare that I was born at _____ (place of birth) in _____ (year)/in _____ (month) of _____ (year). I also annex herewith the following documents in support of the above statement: -

- (1) _____
- (2) _____
- (3) _____

2. I do also declare that the month and date of birth/date of birth are /is known to me, the reasons are briefly stated below: -

3. I do further declare that the year/year and month of birth as declared herein is/are binding on me and I shall not ask for any modification thereof at any subsequent date.

N.B. – Portions not applicable in this form shall be scored out under
Signature of the applicant.

Place _____

Date _____

Signature
(NAME IN BLOCK LETTERS)

4. Orders of the appointing authority

Signature.

NOTE 2. – Date of birth as finally accepted under this rule shall be recorded in the Service Book/Roll of the Board employee concerned both in figures and words under proper attestation by the competent authority with reference to documentary evidence in support of the same.

NOTE 3. – No alteration in the date of birth of a Board employee should be allowed except in very rare cases where a manifest mistake has been made. Such mistake should be rectified at the earliest opportunity in the course of periodical Service Book/Roll. In no case request for change or alteration in the date of birth of a Board employee made on a date within three (3) years of the date of his actual superannuation should be entertained.

NOTE 4. – The following criteria should be followed in considering request for change or alteration in date of birth which are not time-barred. Such request should be supported by satisfactory and bonafide documentary evidence (such as Matriculation or equivalent certificate on duly attested copy of birth certificate) together with a satisfactory explanation of the circumstances in which the wrong date of birth came to be entered and statement of any previous attempts made to have the record amended/rectified. It should also be examined whether the Board employee concerned would have been within the age limits prescribed for Board service at the time he entered service with reference to the different date later claimed by him as the correct date. If he would not been so eligible, it should be examined whether the date actually accepted than was given by him and did not give him some advantage in securing admission into service at that time, and the change proposed later on is for bonafide reasons and not merely to gain some fresh advantage.

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| 17. | Unless in any case it be otherwise distinctly provided, the whole time of a Board employee is at the disposal of the Board which pays him, and he may be employed in any manner required by proper authority, without claim for additional remuneration. | Whole time at the disposal of Board |
| 18. | <p>(1) Two or more Board employees cannot be appointed substantively to the same permanent post at the same time.</p> <p>(2) A Board employee cannot be appointed substantively, except as a temporary measure, to two or more permanent posts at the same time.</p> <p>(3) A Board employee cannot be appointed substantively to a post on which another Board employee holds a lien.</p> | Limitations in making substantive appointment |
| 19. | <p>Unless in any case it be otherwise provided in these rules, a Board employee on substantive appointment to any permanent posts acquires a lien on that post and ceases to hold any lien previously acquired on any other post.</p> <p><u>NOTE</u> – A person who has put in at least three (3) years of temporary service in a scheme which is not purely temporary or experimental in nature, should be given quasi-lien for a maximum of three (3) years in the post when he takes up appointment elsewhere. This would mean that if he wants to return to the same post within a maximum of three (3) years and that post is still in existence, he should be allowed to join it. If the post is made permanent in the meantime, confirmation should be offered to him even though he is on quasi-lien.</p> | Acquisition of lien on substantive appointment to permanent post |
| 20. | <p>Unless his lien is suspended under Reg. 21 or transferred under Regulation 23, a Board employee holding substantively a permanent post retain lien on that post –</p> <p>(a) While performing duties of that post;</p> <p>(b) While on foreign service, or officiating in another permanent jobs;</p> <p>(c) During joining time on transfer to another post, unless in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;</p> <p>(d) While on leave; and</p> <p>(e) While under suspension.</p> <p><u>NOTE</u> - The following procedure should be followed in respect of Board employee working in a particular department/office who apply in response to advertisements or circulars inviting applications for posts in other departments/offices of the State Government: -</p> <p>(i) the applications may be forwarded in whether the post applied for in other departments/office is permanent or temporary.</p> <p>(ii) in the cases of permanent Board employees their lien may be retained in the parent department/office for a period of three (3) years. They should either revert to the parent department/office at the end of that period or resign from the parent department/office on expiry of that period. An undertaking to abide by these conditions may be taken from them at the time of forwarding the applications for appointment elsewhere.</p> <p>(iii) as for temporary employees, they shall as a matter of course, be asked to resign from the parent department/office at the time of release from the parent department/office. An undertaking to the effect that they will</p> | Retention of lien on post |

resign from the parent department/office in the event of their selection and appointment to the post applied for, may be taken from them at the time of forwarding the applications.

(iv) In exceptional cases where it would take some time for other department/office to confirm such Board employees due to the delay in converting the temporary posts into permanent ones or due to administrative reasons, the permanent Board employees may be permitted to retain their lien in the parent department/office for one (1) year more. While granting such concession, a fresh undertaking similar to the one indicated in sub-paragraph (ii) may be taken from the permanent Board employees.

21. (1) The Board shall suspend the lien of a Board employee on a permanent post which he holds substantively if he is appointed in a substantive capacity –
- (a) To a tenure post, or
- (b) Provisionally, to a post on which another Board employee would hold his lien had his lien not been suspended under this rule.
- (2) The Board may, as its option, suspend the lien of a Board employee on a permanent post which he holds a lien substantively may be suspended if he is deputed out of India or transferred to foreign service or, in circumstances not covered by sub-reg (1), is transferred on officiating capacity, to a post in another cadre, and if any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than three (3) years.
- (3) Notwithstanding anything contained in sub-reg (1) or (2), a Board employee's lien on a tenure post may in no circumstances be suspended. If he is appointed substantively in another permanent post, his lien on the tenure post must be terminated.
- (4) If a Board employee's lien on a post is suspended under sub-reg (1) or (2), the post may be filled substantively and the Board employee appointed to hold it substantively shall acquire a lien on it; provided that the arrangements shall be reversed as soon as the suspended lien revives.
- NOTE** –1. Unless any regulation or order otherwise directs, this sub-reg shall apply if the post concerned is a post in a Selection Grade of a cadre.
2. When a post is filled up substantively under this sub-reg, the appointment shall be termed a provisional appointment. The Board employee appointed shall hold provisional lien on the post and that lien shall be liable to suspension under sub-reg (1) above.
- (5) A Board employee's lien which has been suspended under sub-reg (1) shall revive as soon as he ceases to hold a lien on a post of the nature specified in clause (a) or (b) of sub-reg (1).

Suspension of lien

(6) A Board employee's lien which has been suspended under sub-reg (2) shall revive as soon as he ceases to be on deputation out of India or on foreign service or to hold a post in another cadre, provided that a suspended lien shall not revive because the Board employee takes leave if there is reason to believe that he will, on foreign service or to hold a post in another cadre and the total period of absence on duty will not fall short of three (3) years or that he will hold substantively a post of the nature specified in sub-reg. (1).

NOTE -1. When it is known that a Board employee on transfer to a post outside his cadre is due to retire on superannuation pension within three (3) years of his transfer, his lien on the permanent post cannot be suspended.

2. Under the existing provisions of Reg. 2, it is possible for more than one person to be appointed in a provisionally substantive capacity against a single post. In as much as pay of a Board employee in his provisionally substantive post is being treated as "substantive pay" for the purposes of fixation of pay on his appointment to another post, the existing rule confers unintended benefits on all the individuals so appointed. The operation of this rule shall be restricted in such a way Board employee, on his appointment in a provisionally substantive capacity under sub-reg (4) shall not in future be suspended if he is deputed out of India or is transferred to a post of the nature specified in sub-reg. (2).

22. (1) Except as provided in sub-reg (2) and (3) of this regulation, a Board employee's lien on a post may, in no circumstances, be terminated, even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.

Termination of lien

(2) Notwithstanding the provisions of sub-reg. (1) of Reg, 20, the lien of a Board employee holding substantively a permanent post shall be terminated on his appointment as the Chairman or Member of the Union Public Service Commission or as the Chairman or any Member of the State Public Service Commission.

(3) A Board employee's lien on a post shall stand terminated on his acquiring a lien on a permanent post whether under the Central Government or a State Government or outside the cadre on which he is borne.

NOTE - 1. It is clarified that the provisions of Reg. 21 shall apply so long a Board employee remains in Board employment. Obtaining consent of the Board employee to the termination of his lien is necessary in certain circumstances where he is to be confirmed in another post under the Board. Such consent is not necessary in cases where the Board employee ceases to a Board employee. Where a Board employee is proposed to be

absorbed in non-Government service permanently in public interest, the Board employee concerned shall be asked to resign his appointment under the Board with effect from the date of such permanent absorption and the lien will stand automatically terminated with the cessation of Board service.

In all cases where a Board employee is to be absorbed permanently by a foreign employer under his organization, it shall be incumbent on him to consult the parent employer (Board) before issuing orders absorbing the Board employee permanently under him. The orders of permanent absorption shall be issued only after the resignation of the Board employee has been accepted by the Board or the Executive Chairman, as the case may be, and with effect from the date of such acceptance.

2. A candidate who is already in permanent Board service should be appointed to officiate in the higher service or post until further orders. The passing of such further orders terminating the appointment (and as a necessary consequence reverting the candidate to his former post) in the event of the candidate's failure to pass the departmental examination within the prescribed period or if he is otherwise found unsuitable, will not attract the provision of Article 311 of the Constitution. The question whether a permanent Board employee on his appointment to a higher service or post on the results of a competitive examination can be asked to surrender his right to a lien on his previous appointment and treated as "Probationer" like a raw recruit from outside has been considered and it has been held that a person who has been confirmed in Board service cannot thereafter be appointed "on probation" as such appointment is repugnant to the concept of service regulations and the fundamental principle in that it is calculated to deprive the employee concerned of his security of tenure. An agreement by which an employee promoted to higher post/service consents to forfeit his lien on the post previously held by him and to be appointed "on probation" in the higher post in so far it has the effect of depriving him of the security of tenure is open to objection in that it offends against the principle that where a statute confers right on a class of persons in the public interest, no persons of that class can contract himself out of that right.

23. Subject to the provisions of Reg. 24 the lien of a Board employee who is not performing the duties of the post to which the lien relates, even if that lien has been suspended, may be transferred to another permanent post in the same cadre.

Transfer of lien

24. (1) The Board may transfer a Board employee from one post to another; provided that except -
 (i) on account of inefficiency or misbehaviour,
 OR
 (ii) on his written request.
 a Board employee shall not be transferred to, or except in a case covered by Reg. 75, appointed to officiate in a post carrying less pay than the pay of the permanent post on which he holds a lien, or would hold a lien had his lien not been suspended under Reg. 21.
 Provided further that unless the transfer is from one cadre post to another, the post to which a Board employee may be transferred shall be a post (i) which carries a scale of pay comparable to that of the post presently held by the Board employee, (ii) for which the Board employee possesses the requisite qualifications and (iii) in the recruitment rules for which there is no bar to the appointment of the Board employee to the post by transfer.
- (2) Nothing contained in sub-reg. (1) of this regulation or in Clause (22) of Reg. 9 shall operate to prevent the transfer of a Board employee to the post on which he would hold a lien, had it not been suspended in accordance with the provisions of sub-reg. (1) of Reg. 21.
- NOTE - 1. When a Board employee is transferred on account of his inefficiency or misbehaviour, to a post carrying less pay than the pay of the permanent post on which he holds a lien or would have held a lien had it not been suspended under Regulation 21, the appointing authority, may in the case of non-availability of a vacancy in the service, grade or time-scale to which he is transferred, create a supernumerary post in that service/grade/time-scale, etc. to provide a lien to the Board employee concerned on his new post.
2. When a permanent post is rendered vacant by the transfer/reduction of a Board employee, it should not be filled substantively before the expiry of one year from the date of transfer/reduction.
3. When on the expiry of the period of one year, such post is filled substantively and the original incumbent happens to be reinstated thereafter, he should be accommodated in a supernumerary post which may be created with proper sanction and terminated on the occurrence of substantive vacancy in that grade.
25. A Board employee may be required to subscribe to a Provident Fund, a Family Pension Fund or other similar funds in accordance with such Rules as the Board may by order prescribed.
26. Subject to any exceptions specially made in these regulations, an officer shall begin to draw the pay and allowances attached to the post held by him with effect from the date when he assumes the duties of the post and cease to draw them as soon as he ceases to discharge those duties.
- Transfer of Board employee from one post to another
- Subscription to Provident & other similar Funds
- Drawal of pay-date of its commencement and end

Provided that an officer who is absent from duty without authority on any day or part of the day shall not be entitled to draw any pay and allowances during the period of such absence.

NOTE- A Board employee will begin to draw the pay and allowances attached to his tenure of a post with effect from the date on which he assumes the duties of that post if the charge is transferred before noon of that date. If the charge is transferred afternoon, he commences to draw them from the following day. This regulation shall not, however, apply to cases in which it is the recognised practice to pay a Board employee at a higher rate for more important duties performed during a part of a day.

27. Without prejudice to the provisions in these regulations or any other rules in force, a period of an unauthorised absence -

Unauthorised
absence

- (i) in the case of any of the Board employees as a result of acting in combination or in concerted manner, such as during a strike, without any authority from, or valid reason to the satisfaction of, the competent authority; and
- (ii) in the case of an individual employee, remaining absent unauthorisedly or deserting the post, shall be deemed to cause an interruption or break in the service of the employee(s), unless otherwise decided by the competent authority for the purposes of pension and other retirement benefits.

Explanation 1. – For the purpose of this regulation, “strike” includes a general, token, sympathetic or any similar strike, and also participation in a bundh or in similar activities.

Explanation 2. – In this regulation, the term “competent authority” means the “Appointing authority”.

NOTE 1. The principle of natural justice implies that reasonable opportunity is afforded before invoking the provision of Reg. 27. In other words, it should be kept in mind that the procedural requirement that an order under this regulation should be preceded by extending to the person concerned a reasonable opportunity of representation and being heard in person if so desired by him.

NOTE 2. While deciding the representations for condonation of breaks and concomitant disabilities, the following guidelines may be kept in view:

- (i) In no case the condonation of break-in-service should be considered as a routine manner. A break –in-service should not be condoned except on receipt of a formal representation from the employee concerned about the said absence.
- (ii) The absentee in his representation should have expressed unqualified regret with an assurance that he will not be indulging in such conduct in future.
- (iii) After the receipt of such apology, the competent authority may even consider watching the work and conduct of the petitioner for some

time before taking its decision on the representation for condonation.

- (iv) There was indeed a grave provocation from an outside factor for such unauthorised absence.
- (v) The departmental superiors had shown certain callousness or indifference to any genuine complaint brought to their notice by the members of the staff which resulted in such unauthorised absence.
- (vi) Non-condonation of break-in-service should not be the guiding factor for non-condonation of break-in-service for the purpose of pension.

NOTE 3 - Duration is irrelevant. A strike is a strike even if it is for a few minutes. The competent authority need not be rigid in their stand for condonation of break-in-service, subject to the fulfilment of the aforesaid conditions, if the duration of absence is short.

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|-----|---|--------------------------------------|
| 28. | The headquarters of a Board employee shall be in a place as the competent authority may prescribe. In the absence of any orders to the contrary, the station where the records of his office are kept shall be deemed to be the headquarters as such. | Headquarters term defined |
| 29. | A Board employee should ordinarily reside at the headquarters of the station to which he is for the time being posted. He may, however, be permitted by the competent authority, for sufficient reasons, such as difficulties in securing accommodation at headquarters and for other good reasons, to reside outside his normal official duties do not suffer thereby. In such cases, however, the Board employee concerned shall intimate in writing his place of stay at his headquarters at any time and for any period if it is considered necessary in public interest. | Obligation to stay at Headquarters |
| 30. | No Board employee is entitled to pay or allowances for any time he may spend beyond the limits of his charge without proper authority. Journeys beyond jurisdiction to give evidence in a Court to attend departmental examination do not require special sanction. Under the general or special orders of the Executive Chairman, a Board employee may be authorised to proceed beyond his jurisdiction to attend a non-official conference.
NOTE 1. The competent authority may authorise any of its officer to proceed on duty to any part of India. | Journey beyond the limits of charges |

NOTE 2 Sanction of tours outside the State by issue of an order shall not be necessary provided such tours including air journeys by officers entitled to travel by air are made with the prior approval of the Competent Authority and that the travelling allowance bill(s) for such journeys shall be accompanied by tour diaries approved by the controlling Officer(s).

31. Unless for special reasons which must be of a public interest the authority under whose order the transfer takes place permits or requires it to be made in any particular case elsewhere, or otherwise, the charge of an office must be made over at its headquarters, both the relieving and the relieved officers being present. Where the competent authority permits or requires a transfer to be made elsewhere or otherwise, the special reasons shall be recorded.
- NOTE 1. – Transfer orders once issued are meant to be complied with and should invariably be affected, without fail, within a period of fifteen days of the date of issue or before the end of the month, whichever is later. In case an officer does not handover charge within the prescribed period to his reliever, the concerned officer would be deemed to have been relieved forthwith after expiry of the above mentioned period.
- NOTE 2. – In case of any compelling reason which prevents a transfer from being affected, the relevant transfer order(s) are to be stayed or kept in abeyance by the concerned authority within the aforesaid period. If the transfer orders are not stayed or kept in abeyance within this specific period, then the transferred officer would be deemed to have been automatically relieved from his post.
32. (1) Unless the Board, in view of the exceptional circumstances of the case, otherwise determines, no Board employee shall be granted leave of any kind for a continuous period exceeding five years.
- (2) Unless the authority competent to grant leave extends the leave, a Board employee who remains absent even after the expiry of leave previously granted is not entitled to any leave salary for the period of such absence and that period shall be against his leave account as though it were half-pay leave, to the extent such leave is due, the period in excess of such half-pay leave due being treated as extra-ordinary leave.
- (3) Wilful absence from duty after expiry of the leave renders a Board employee liable to disciplinary action.
- Charges of Office
- Maximum period of continuous absence from duty
- Wilful absence from duty

NOTE 1. -

`Treatment of wilful absence from duty -

Wilful absence from duty, even though not covered by leave does not entail loss of lien. The period of absence not covered by grant of leave shall have to be treated as "dies lien" for all purposes, viz, leave, increment and pension. Such absence without leave where it stands singly and not in continuation of any authorised leave of absence will constitute an interruption of service for sanctioning authority pass necessary order to treat the period as leave without pay, the entire past service stands forfeited.

NOTE 2. -

Action for unauthorised absence from duty for overstayal of leave:

- (i) When a temporary Board employee asks for leave in excess of the limits prescribed in Clause (b) of the proviso to sub-reg. (2) of Reg. 156 and if the circumstances are exceptional the leave sanctioning authority shall take decision whether further leave in excess of the limits shall be allowed or not.
- (ii) When a Board employee applies for leave beyond the prescribed limit of extra-ordinary leave and the leave sanctioning authority is not satisfied with the genuineness of the grounds on which further leave has been asked for, nor does it considers the grounds as exceptional, the leave cannot be granted. In such a case the Board employee shall be asked to rejoin duty within a specified date failing which he would render himself liable to disciplinary action. Disobedience of orders to rejoin duty within the specified period would afford good and sufficient reasons for initiating disciplinary action. If he rejoins duty by the stipulated date he may be taken back in service and the period of absence not covered by leave would be treated as overstayal and such overstayal shall be regularized in accordance with the provisions of this regulation.

If the Board employee does not join duty by the stipulated date, it would be open to the disciplinary authority to institute disciplinary action against him. If during the course of the disciplinary proceedings he comes for rejoining duty he shall be allowed to do so without prejudice to the disciplinary action already initiated against him (unless he is placed under suspension) and the disciplinary action concluded as quickly as possible. The question of regularization of the period of overstayal of leave shall be left over for consideration till the finalization of the disciplinary action.

(iii)

If a Board employee absents himself abruptly or applies for leave which is refused in the exigencies of public service and still happens to absent himself from duty, he shall be told of the consequences

viz, that the entire period of absence shall be treated as unauthorised absence entailing loss of pay for the period in question under proviso below Regulation 26 thereby resulting in break in service. If however, he reports for duty before or after initiation of disciplinary proceedings, he may be taken back for duty because he was not placed under suspension. The disciplinary action may be concluded and the period of absence treated as unauthorised absence resulting in loss of pay and allowances under the proviso to Reg. 25 and thus a break-in-service. The question whether the break-in-service should be condoned or not and treated as "dies-non" shall be considered only after the conclusion of the disciplinary proceedings and that too after the Board employee represents in this regard.

- (iv) A Board employee who remains absent unauthorisedly without proper permission shall be proceeded against immediately and such disciplinary action shall not be put off till the absence exceeds the limit prescribed in Reg. 32 (1). Considering the grounds adduced by the Board employee for his unauthorised absence before initiating the disciplinary authority is satisfied that the grounds adduced for unauthorised absence are justified, the leave of kind applied for and due and admissible may be granted to him.

33. (1) No Board employee shall, unless the Executive Chairman otherwise directs, be permitted to resign if he fails to serve on the appointing authority due notice for –

- (a) in the case of a Board employee holding no lien or suspended lien on a permanent post under the Board: One month;
OR
(b) in the case of a Board employee holding no lien or suspended lien on a permanent post under the Board: Three months.
(2) A Board employee who tenders resignation and quits without giving the notice as provided in sub-reg. (1) shall at the discretion of the appointing authority, be liable to forfeiture of his salary, if any, for the period by which the notice falls short of the requirements of Clause (a) or Clause (b), as the case may be taken against him for contravention of these rules.

NOTE– Regarding the question of taking back in service of a Board employee who resigned and subsequently withdraw such resignation letter, the following principle shall be followed: -

- (i) A person continues in service if he withdraws his resignation letter before the date from which the resignation is to take effect. The resignation becomes

Resignation from Board service

irrevocable and operative after the aforesaid date of resignation. So the question of withdrawal of the resignation letter by the Board employee and taking back such employee in service does not arise. After the resignation has become irrevocable and effective, it cannot be cancelled.

- (ii) Resignation does not qualify a person for fresh appointment and if he is given any appointment after his service in connection with the previous appointment has come to an end on account of resignation, the appointment given subsequently shall always be treated as fresh appointment without any consideration whatsoever with him previous appointment.
- (iii) Such fresh appointment shall not be possible if the age exceeds the limit prescribed in the regulation. The Board or the Executive Chairman, however, reserves to itself the right to relax the age limit in cases of eminently suitable persons.
- (iv) In case of such fresh appointment the relevant regulations relating to recruitment cannot be relaxed in favour of the person(s) concerned unless the regulations confer such power on the appointing authority.

34. (1) If, under the terms of appointment, the Board has right to terminate the services of a temporary Board employee after serving notice for a specified period, the service of such a Board employee may be terminated after serving such notice or after paying him salary for the period of notice required in lieu of such notice.

Discharge /
Terminate
appointment after
notice

- (2) Where a Board employee has been appointed "temporarily" or "until further orders or notice" or where his appointment has, under the terms of appointment, been made "terminable without notice", the services of the temporary Board employee may be terminated after serving one month's notice or after paying him one month's salary in lieu of such notice.

NOTE— As far as possible letters of appointment issued to temporary Board employee should specify the period of appointment and should also provide that the services of the Board employee shall be liable to termination during that period by service of notice specified in the letter. The period of notice specified in the letter should be as short as possible and should not ordinarily exceed one month. In cases where it may not be possible to insert such a provision, the appointment should be "until further orders or notice".

CHAPTER IV PAY

35. Except in the case of personal pay granted in the circumstances defined in Reg. 9 (30) (a), the pay of Board employee shall not be so increased as to exceed the pay sanctioned for his post with the sanction of an authority competent to create a post in the same cadre on a rate of pay equal to his pay when increased.
- NOTE** 1. – It is not the intention of this regulation that the Board should grant less pay than is permissible under these Regulations.
2. Except in special cases, retrospective effect in increase of pay and allowances shall not be given.
36. A Board employee while on duty as defined in sub-clauses (12) (iii) or (v) of Reg. 9, will draw the pay (including special pay, if any) of the appointment held by him when he is on such duty:
Provided that if it be an officiating appointment, he may draw in the officiating appointment, only for the period or periods during which he would have held that appointment had he not been placed on that duty.
37. A student on duty as defined in sub-clause (iv) of Clause (12) of Reg. 9, may be paid such monthly sum, as the authority competent to fill the post to which it is proposed to appoint him may fix.
Provided that such sum shall in no case exceed the minimum of the pay of the post to which it is proposed to appoint him.
38. Regulations 39 to 51 inclusive apply to time-scales of pay generally.
39. (1) The initial pay of a Board employee who is appointed to a post on a time-scale of pay is regulated as below:
(i) Where a Board employee holding a post in a substantive, temporary or officiating capacity is promoted or appointed to another post carrying duties and responsibilities of greater importance than those attached to the post held by him, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued:
Provided that where a Board employee was immediately before his promotion or appointment to a higher post, drawing pay at the maximum of the scale of pay of the lower post, the initial pay of such Board employee in the scale of pay of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing such pay in respect of the lower post, by an amount equal to the last incrementing the scale of the lower post:
Provided further that the provisions of sub-reg. (2) of Reg. 54 shall not be applicable in any case where the initial pay is fixed under this clause.
Provided also that in cases where a Board employee –
- During the course of instruction of training.
- Of a student to be appointed to Board service on passing through a course of training
- Time scale of pay

- (a) Has previously held substantively or officiated in:
 - (i) the same post, or
 - (ii) a permanently or temporary post on the same time-scale of pay or
 - (iii) a permanent post other than tenure post or a temporary post (including a post in a body, incorporated or not, which is wholly or substantially owned or controlled by the Board) on an identical time-scale of pay, or
- (b) is appointed substantively to a tenure post on a scale of pay, identical with that of another tenure post which he has previously held substantively or in which he has previously officiated.

The initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay by the Board under Reg. 9 (27) (iii) which he drew on the last such occasion and he shall count the period during which he drew that pay on such last and previous occasion for increment in the stage of the time-scale equivalent to that pay.

(2) When appointment to the new post does not involve such assumption (of duties or responsibilities of greater importance), he will draw as initial pay the stage of the time-scale which is equal to his pay in respect of the old post, or, if there is not such stage, the stage next below that pay, plus personal pay equal to the difference and in either case will continue to draw that pay until such time as he would have received an increment in the time-scale of the old post or for the period after which an increment is earned in the time-scale of the new post, whichever is earlier; whereupon he will draw pay in the stage of the new time-scale next above that which he drew initially, and thenceforward he will lose any personal pay granted under this rule and all connection with the old time-scale. But if the minimum pay of the time-scale of the new post is higher than his pay in respect of the old post, he will draw the minimum as initial pay.

(3) When appointment to the new post is made on his own request under Clause (ii) of sub-reg. (1) of the Regulation 24 and the maximum pay in the time-scale of that post is less than his substantive pay in respect of the old post, he will draw that maximum as initial pay. Otherwise, he will draw as initial pay the minimum of the time-scale.

NOTE1—Where the pay last drawn by a Board employee in a temporary post has been inflated by the grant of premature increment(s), the pay which he would have drawn but for the grant of those increments shall be taken for the purpose of the third Proviso below Regulation 39 (1) (i).

NOTE2—A time-scale may be of recent introduction whereas the cadre or class to which it is attached may have been in existence on a graded scale before the time-scale came into force or it may be that one time-scale has taken the place of another. If a Board employee has held substantively or officiated in, a post in the cadre or class prior to the introduction of a new time-scale and has drawn during the period salary or pay equal to a stage, or intermediate between two stages, in the new time-scale, then the initial pay in the new time-scale may be fixed at the pay last drawn and the period during which it was drawn may be counted for increment in the same stage, or if the pay was intermediate between two stages in the lower stage of that time-scale,

then the initial pay in the new time scale may be fixed at the pay last drawn and the period during which it was drawn may be counted for increment in the same stage, or if the pay was immediate between two stages in the lower stage of that time-scale.

NOTE 3– An officer in respect of whom one of the penalties specified in the Service Regulations was imposed will on re-promotion count previous service in the higher grade under Regulation 38 unless the order passed on appeal directs otherwise. An order debarring an officer from counting his past service in the grade from which he is/was reduced if and when reappointed to it, amounts to an order of reduction to a stage of that grade lower than that admissible under Regulation 39.

NOTE 4. – In cases where Board employees apply for posts in the same or other departments through proper channel and on selection, they are asked to resign the previous posts for administrative reasons, the benefit of past service may, otherwise admissible under regulations, be given for the purpose of fixation of pay in the new post treating the resignation as a “technical formality”. The pay in such cases may be fixed under Reg. 48.

NOTE 5. – The appointment of a Board employee after resignation or after discharge on reduction of establishment or after removal or dismissal is equivalent to a first appointment to Board service for the purpose of this regulation. He will, therefore, draw the minimum of the time-scale unless a higher rate of pay is specially sanctioned under Reg. 48.

NOTE 6. – Where a Board employee, except on tenure appointment, is in receipt of a special pay attached to the scale of pay of a post, his pay on appointment to a higher post shall be fixed under the normal rules after treating the special pay as a part of the basic pay drawn in the lower post:

Provided that –

- (a) special pay, not so attached to the scale of pay of a post but sanctioned otherwise under Rule 9 (37) or special pay drawn in a tenure appointment or special pay/deputation allowance drawn while on deputation shall not be taken into consideration for this purpose; and
- (b) in cases the appointment in the lower post carrying the special pay is on officiating basis, the appropriate authority shall certify that but for appointment to the higher post the Board employee concerned would have continued to draw the special pay attached to the lower post.

NOTE 7. – For assessing the relative degree of responsibility of the post under the Board all relevant factors including the duties attached to the posts, etc., beside the scale of pay attached to the posts, will

be taken into consideration.

40. (1) Notwithstanding anything contained in these regulations, the following provisions shall govern the pay of a Board employee who is appointed as a probationer in another service or cadre and subsequently confirmed in that service or cadre -

Fixation of pay on appointment on probation or as an apprentice

(a) during the period of probation he shall draw pay at the minimum of the time-scale or at the probationary stages of the time-scale of the service or post, as the case may be;

Provided that if the presumptive pay of the permanent post, other than a tenure post, on which he holds a lien or would hold a lien, had his lien not been suspended, should at any time be greater than the pay fixed under this clause, he shall draw the presumptive pay of the permanent post;

(b) on confirmation in the service on post after the expiry of the period of probation, the pay of the Board employee shall be fixed in the time-scale of the service or post in accordance with the provisions of Regulation 38;

Provided that the pay of the Board employee shall not be so fixed under Regulation 39 with reference to the pay that would have drawn in the previous post which he was holding in a temporary capacity but he shall continue to draw the pay in the time-scale of the service or post.

- (2) The provisions in sub-reg. (1) shall apply mutatis mutandis in cases of Board employees appointed on probation with definite conditions against temporary post in another service or cadre where recruitment to permanent post of such service or cadre is made as probationers, except that in such cases the fixation of pay in the matter indicated in Clause (b) of sub-reg. (1) shall be done under Regulation 54 of these regulations immediately on the expiry of the period of probation and on regular officiating appointment to a period either permanent or temporary, in the service or cadre.

- (3) Notwithstanding anything contained in these rules, a Board employee appointed as an apprentice in another service or cadre shall draw -

(a) during the period of apprenticeship, the stipend or pay prescribed for such period provided that if the presumptive pay of the permanent post, other than the tenure post, on which he holds a lien or would hold a lien had his lien not been suspended should at any time be greater than the stipend or pay fixed under this clause, he shall draw the presumptive pay of the permanent post;

(b) on satisfactory completion of the apprenticeship and regular appointment to a post in the service or cadre, the pay as fixed in the time-scale of the service or post under regulation 39 or regulation 54 of these regulations;

Provided that the pay of the Board employee shall not be so fixed under Regulation 39 with reference to the pay that he would have drawn in the previous post which he was holding in a temporary capacity but he shall continue to draw the pay in the time-scale of the service or post.

41. The initial substantive pay of a Board employee who is appointed substantively to a post on a time-scale pay which has been reduced for reasons other than a diminution in the duties and responsibilities attached to posts thereon and who is not entitled to draw pay on the time-scale as it stood prior to reduction, is regulated by Reg. 39 provided both in cases covered by sub-reg. (1) of that regulation and in cases, other than those of re-employment after resignation or removable or dismissal from public service covered by:

On substantive Appointment on reduced scale of pay

- (a) has held on any previous occasions either substantively or in an officiating or temporary capacity -
 - (i) the same post prior to reduction of its time-scale; or
 - (ii) a permanent or a temporary post on the same time-scale as the unreduced time-scale of the post; or
 - (iii) A permanent post other than a tenure post or a temporary post on a time-scale of pay identical with the unreduced time-scale of the post, such temporary post being on the same time-scale as a permanent post; or
- (b) is appointed substantively to a tenure post the time-scale of which has been reduced without a diminution in the duties and responsibilities attached to it and has previously held substantively or officiated in another tenure post on a time-scale identical with the unreduced time-scale of the tenure post, then the initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay by the Board under sub-clause (iii) of Clause (31) of Reg. 9 which he would have drawn under Reg. 39, on the last such occasion, if the reduced time-scale of pay had been in force from the beginning and he shall count the period during which he would have drawn that pay on such last and any previous occasions for increment in the stage of the time-scale equivalent to that pay.

42. In order to remove the anomaly of a Board employee promoted or appointed to a higher post and drawing a lower rate of pay in that post than another Board employee junior to him in the lower grade/post and promoted or appointed subsequently to another identical post/grade, the pay of the senior officer in the higher post shall be stepped up to a figure equal to the pay as fixed for the junior officer in that higher post. The stepping up shall be done with effect from the date of promotion or appointment of the junior officer and will be subject to the following conditions: -

Stepping up of pay of senior on promotion drawing less pay than junior

- (a) both the junior and senior officers should belong to the same cadre and the posts in which they have been promoted or appointed should be identical and in the same cadre;
- (b) the scales of pay of the lower and higher posts in which they are entitled to draw pay should be identical;
- (c) junior person should not draw more than his senior in the lower post from time to time in the unrevised scale as well as the revised scale.
- (d) the amount should be directly as a result of the application of Reg. 39. For example, if even in the lower post the junior officer draws from time to time a higher rate of pay than the senior by virtue of grant of advance increment, the above provisions will not be invoked to step up the pay of the senior officer.

NOTE- The order re-fixing the pay of the senior officer(s) in accordance with the above provisions shall be issued under Rule 48. The next increment of the senior officer will be drawn on completion of the requisite qualifying service with effect from the date of re-fixation of pay vis-à-vis the junior.

43. The holder of a post, the pay of which is changed, shall be treated as if he were transferred to a new post on the new pay; provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment on the old scale, or until he vacates his post or ceases to draw pay on that time-scale. The option once exercised is final.

When the pay of a post is changed

NOTE - 1. The option allowed in this regulation should be exercised with 30 days from the date of issue of the order changing the scale of pay.

2. A question was raised whether an official officiating in a higher scale on the date from which different posts on different scales in the same cadre were merged in a common scale, would exercise under this regulation the option of retaining his officiating pay on the old higher scale when all the posts of the different categories were on the same new scale from the date and no higher responsibility was involved. The word "his old post" in the proviso of this regulation should be held to include not only the rate at which the individual was drawing his officiating pay on the crucial date but also the time-scale of pay in which he was drawing that pay. Thus for the period of option the old scale in which he was drawing his officiant pay should be treated as continuing for the individual concerned and since he is entitled to retain his old pay during that period, his drawing of that pay under the option need not depend on whether the constructive officiating appointment after the crucial date does or does not involve the assumption of duties and responsibilities of great importance. The option, however, ceases to operate once the individual concerned constructively ceases to officiate in the post or ceases to draw pay in the particular scale in which he was drawing the officiating pay.

Both the substantive part of the Regulation 43 and its proviso cannot be operative at one and the same time. For the period during which the option exercised under the proviso operates, the substantive portion of the regulation remains inoperative. Failure to exercise option from whatsoever cause arising entails for feature of the benefit of the regulation.

3. If a person, permanent or otherwise, earns increment earlier than or after the original date in which he was supposed to get it at the time of exercise of option under Reg. 43 due to a revision of the date of increment, his pay should automatically be re-fixed with effect from the revised date of increment with reference to original option exercised by him under Reg 43 and there will be no need of exercising a fresh option and issue of special orders for this.
4. This regulation equally applies to cases where a revision of pay is accompanied by a change in status of the posts. In such cases, the

posts shall be deemed to be continuing as before. Where, however, a revision of pay is concurrent with a specific change in the duties and responsibilities attached to a post, the post will be deemed to have been appointed to a higher or lower post, as the case may be, and pay will be fixed under the relevant rules, and not under Regulation 43.

5. This regulation shall also apply in the cases of fixation of pay of holder of a post, the pay of which is prescribed on "qualification" basis, on improving his qualification while in service. This benefit will be available with effect from the day following the date of completion of the qualifying examination.

44. An increment shall ordinarily be drawn as a matter of course unless it is withheld. When an increment is ordered to be withheld, the authority passing the order shall state the period for which it is to be withheld, and whether the postponement shall have the effect of postponing future increments; and if so, for how long. Where the order fails to specify clearly for what period the officer is to be deprived of his increments, the deprivation shall be held to cease on the expiry of the period during which the officer should have drawn the increment initially withheld. Unless the order provides otherwise, the officer shall, when the deprivation ceases, be restored in all respects to the same position in the time-scale as he would have occupied had the order not been passed.

Drawing of
increment and / or
withholding
thereof

45. Where an efficiency bar is prescribed in a time-scale, the increment next above the bar shall not be allowed to a Board employee without the specific sanction of the authority empowered to withhold increments under Reg. 44 or the relevant disciplinary rules/regulations applicable to the concerned employee or of any other authority whom the Board may, by general or special order, authorise in this behalf.

Efficiency Bar

NOTE 1. - A month before the date on which an officer is due to cross the efficiency bar, the Officer under whom he is working should send a Special Report through his superior, if any, for the year preceding the date on which the officer is due to cross the bar. The criterion for crossing the efficiency bar is:-

- (a) That the officer must have worked during the year at the end of which he is to cross the efficiency bar to the best of his ability; and
(b) That his integrity during that year has not been in question.
2. - The cases of Board employees for crossing the efficiency bar in the time scale of pay should be considered at the bar against the Board employee, he should be informed of the decision.
3. - The cases of officers held up at an efficiency bar should be reviewed annually with a view to determine whether the quality of their work has improved and, generally, whether the defects for which they are stopped at the bar have been remedied, to an extent sufficient to warrant the removal of the bar.
4. - No orders for crossing efficiency bar necessary, while fixing pay of an officer in the promoted post.
5. - A question was raised as to the date from which a Board employee whose case for crossing the efficiency bar has not been considered on account of the pendency of a disciplinary/vigilance case against

him, should be considered for being allowed to cross the efficiency bar, after the enquiry is over. It has been decided that if after the conclusion of the proceedings, the Board employee is completely exonerated; he may be allowed to cross efficiency bar with effect from the date retrospectively, unless the competent authority decides otherwise. If, however, the Board employee is not completely exonerated from the due date, such case can be considered with effect from a date following the conclusion of the disciplinary/vigilance case, taking into account the outcome of the disciplinary/vigilance case.

6. – A Board employee against whom departmental proceedings are pending but who is due to cross the efficiency bar in his time-scale of pay, may not be allowed to cross the bar until after the conclusion of the proceedings.

Once the competent authority has determined the stage at which the Board employee concerned should draw his pay from the date he is allowed to cross efficiency bar, the next increment above that stage will accrue to him on the usual date of drawal of increment, if otherwise admissible and not after rendering one year's qualifying service.

46. The following provisions prescribe the conditions on which services counts for increments in a time-scale of pay: -

Conditions for
counting service for
increments

- (a) All duty in a post on a time-scale counts for increments in that time-scale:

Provided that for the purpose of arriving at the date of next increment in that time-scale, the total of all such periods as do not count for increment in that time-scale, shall be added to the normal date of increment.

- (b) (i) Service in another post carrying less pay referred to in sub-reg. (1) of Reg. 24, whether in a substantive or officiating capacity, service on deputation out of India and leave taken otherwise than on medical certificate shall count for increment in the time-scale applicable to the post on which the Board employee holds a lien, as well as in the time-scale applicable to the post or posts, if any, on which he would hold a lien had his lien not been suspended.

(ii) All leave except extraordinary leave taken otherwise than on medical certificate and the period of deputation out of India shall count for increment in the time-scale applicable to a post which a Board employee was officiating at the time he proceeded on leave or deputation out of India and would have continued to officiate but for his proceeding on leave or deputation out of India.

Provided that the Executive Chairman may, in any case, in which he is satisfied that the extraordinary leave was taken for any cause beyond the Board employee's control or for prosecuting higher scientific and technical studies, direct that extraordinary leave shall be counted for increments under sub-clause (i) and (ii) above.

- (c) (i) If a Board employee, while officiating in a post or holding a temporary post on a time-scale of pay, is appointed to officiate in a higher post or to

hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is reappointed to the lower post, or is appointed or reappointed to a lower post on the same time-scale of pay, count for increments in the time-scale applicable to such lower post. The period of officiating service in the higher post which counts for increment in the lower post is, however, restricted to the period during which the Board employee would have officiated in the lower post but for his appointment to the higher post. This clause applies also to a Board employee who is not actually officiating in the lower post at the time of his appointment to the higher but who would have so officiated in such lower post or in a post on the same time-scale of pay had he not been appointed to the higher post.

- (ii) If a Board employee on reversion from an ex-cadre post to the parent cadre is appointed to a post on a scale lower than post held at the time of his transfer to the ex-cadre post, the service rendered on the higher scale in the ex-cadre post shall count for increments in the time-scale applicable to the cadre post.

NOTE 1. For the purpose of Reg. 46 (c), the officiating and temporary service in the higher post will also include all leave and the period of deputation out of India, which counts for increments in that post under Clause (b)(ii) and (d) of this regulations provided it is certified by the appointing authority that the Board employee concerned would have actually officiated in the lower post or the same post in the same time-scale of pay had he not been appointed to the higher post but for his proceeding on leave or deputation out of India from higher post.

2. Strictly speaking, the regulations in the Service Regulation are not applicable when both posts are not under the Board in cases where a Board employee while officiating in a post or holding a temporary post under the Board is appointed to officiate in a higher post or to hold a higher temporary post under the State Government, the period of service in the higher post under the under the State Government cannot count for increment in the lower post under the Board unless recourse is had to Reg. 48. After careful consideration, it has been decided that the benefits of Reg. 46 (c) may be extended to Board employees officiating in a higher posts or holding higher temporary posts under the State or to the Central Government.

- (d) Foreign service counts for increments in the time-scale applicable to –

- (i) the post in the Board service on which the Board employee concerned hold a lien as well as the post or posts, if any, on which he would hold a lien had his lien not been suspended;

- (ii) the post in Board in which the Board employee was officiating immediately before his transfer to foreign service, for so long as he would have continued to officiate in that post or a post on the same time-scale of pay but for his going on foreign service;
- (iii) any post to which he may receive officiating promotion under Regulation 106 for the duration of such promotion; and
- (iv) any post in the parent cadre in a lower scale of pay to which the Board employee is appointed on reversion from the ex-cadre post subject to its fulfilment of the conditions mentioned in the second proviso (a)(iii) to Reg. 38(i)

(e) Joining time counts for increment –

- (i) if it is under sub-reg. (3) of Reg. 90, in the time-scale applicable on which the Board employee holds a lien or would hold a lien had his lien not been suspended as well as in the time-scale applicable to the post the pay of which is received by the Board employee during the period; and
- (ii) if it is under sub-reg. (3) of Reg. 90, in the time-scale applicable to post/posts on which the last day of leave before commencement of the joining time counts for increment.

EXPLANATION –

For the purpose of this regulation, the period treated as duty under sub-clause (iii) of Clause (14) of Reg. 9 shall be deemed to be duty in a post if the Board employee draws pay of that post during such period.

(f) A period of overstay of leave does not count towards increments.

NOTE 1. In the case of a Board employee who has officiated in a higher post in short spells on different occasions before he is regularly appointed in that post, i.e., whether the date of increment should be reckoned in the manner laid down in the proviso to Reg. 46 (a) above, it has been clarified that the benefit of past service rendered in the same or identical time-scale for the purpose of increment is given under the third proviso to Reg. 38 which is distinct from proviso to Reg. 46 (a) and should not precede the application of the latter. In other words, the pay and the date of increment should first be determined in terms of the third proviso to Reg. 39, the proviso to Reg. 46 (a) does not come into the picture at this stage. The pay and the date of increment having once been determined in terms of the third proviso to Reg. 39, the proviso to Reg. 46 (a) will then have to be applied to postpone the date of increment by spell of non-qualifying periods, if any, occurring thereafter, i.e., after regular appointment in the post.

NOTE 2. – Extra-ordinary leave granted due to inability of a Board employee to join or re-join duty on account of civil commotion counts as qualifying service

for pension and for increment.

NOTE 3. If an increment falls due while a Board employee is on leave, it shall not be drawn until he returns to duty; but future increments shall not thereby postponed.

NOTE 4. It has been decided that the maternity leave granted to a female Board employee under the provisions of Reg. 169 may be allowed to count for increments in the post in which the Board employee was officiating at the time of proceedings on such leave provided it is certified by the appointing authority that the Board employee concerned would have continued to officiate in that post or a post on the same time-scale of pay but for proceeding on such leave.

47. Notwithstanding anything to the contrary contained in these regulations, either expressly or by implication, an increment in a time-scale of pay shall be drawn with effect from the 1st day of the month in which it becomes otherwise due.

Increments in time-scale of pay to be drawn on 1st day of month

NOTE 1. - In cases where periodical increments in a time-scale become deferred owing to the operation of Reg. 5 and Reg. 6 or due to non-fulfilment of the conditions laid down in Reg. 46, the month and date thereof on which the increment becomes due, after omitting the period not qualifying for increment, should at first be determined; thereafter the date of increment shall be fixed on the 1st day of the particular month.

48. An authority may grant a premature increment to a Board employee on a time-scale of pay if it has power to create a post in the same cadre on the same time-scale of pay.

Premature increment

NOTE 1 In the case of increments granted in advance it is usually the intention that the officer should be entitled to increments in the same manner as if he had reached his position in the scale in the ordinary course and in the absence of special orders to the contrary he should be placed on exactly the same footing as regards future increments of an officer who has so risen.

NOTE 2. - It is contrary to the principle of time-scale of pay to grant an increment in advance and before it is due, and no recommendation that such grant should be made will be entertained except in circumstances which would justify the grant of personal pay to a Board employee whose pay is non-incremental.

NOTE 3. - The exercise of powers under Reg. 48 shall not be used to grant premature increments in the following cases: -

- (i) as reward for meritorious work;
- (ii) in disregard of the normal rules governing fixation of pay except in cases of hardship or where the circumstances are unusual; or
- (iii) to take into account the monetary equivalent of certain perquisites allowed, e.g., special pay drawn or deputation allowances granted in a previous post, for the purpose of fixing the initial pay on appointment to another post where

such monetary benefits are not permissible.

49. The authority which orders the transfer of a Board employee as a penalty from a higher to a lower grade or post may allow him to draw any pay, not exceeding the maximum of the lower grade or post, which it may think proper;

Transfer from higher to lower grade/ post as a penalty

Provided that the pay allowed to be drawn by a Board employee under this rule shall not exceed the pay which he would have drawn by the operation of Reg. 39 read with Clause (b) or (c), as the case may be, of Reg. 46.

NOTE - The regulation of increment in the lower post or grade shall be made under the normal rules unless withheld.

50. (1) If a Board employee is reduced as a measure of penalty to a lower grade in his time-scale of pay, the authority ordering such reduction shall state the period for which it shall be effective, and whether, on restoration, the period of reduction shall operate to postpone future increments and, if so, to what extent.

Reduction to lower grade/ stage in a time scale

(2) If a Board employee is reduced as a measure of penalty to a lower service, grade or post or to a lower time-scale of pay, the authority ordering the reduction may or may not specify the period for which the reduction shall be effective, but where the period is specified, the authority shall also operate to postpone future increments, and if so, to what extent.

NOTE 1 Sub-reg. (1) of the regulation covers cases of restoration after a period of reduction to lower stage in a time-scale and sub-reg. (2) relates to cases of restoration after a specified period of reduction to a lower grade or post. Under the regulation, reduction to a lower stage in a time-scale can be ordered only for a specified period. Hence, the authority ordering such reduction is required to specify the period in the order of reduction. Reduction to a lower post or grade can either be from any specified period in which case the period has to be indicated in the order of reduction or for an unspecified or indefinite period. In the latter case or re-appointment to the higher post or grade the pay of the Board employee will be regulated under the pay of the Board employee will be regulated under the normal rules and not under Rule 48.

NOTE 2. When a Board employee is ordered to be reduced to a lower stage in a time-scale, the authority passing the order shall include in the order:

- (i) a statement of the period for which the reduction is to remain in force; and
- (ii) a statement whether on the expiry of the period the Board employee's previous service in the stage of the time-scale from during which the orders of reduction were in force, shall count for increment in whole or in part or not at all. If the former statement be not made, or be not clear, the period of reduction shall expire on the termination of the period at the close of which the officer

would have drawn his next increment had the order of reduction not been passed; and if the Board employee shall be entitled, on the expiry of the period of reduction to count towards increments his previous service in the stage of the time-scale from which he was reduced, and the period during which the orders of reduction were in force.

NOTE 3. – Doubts have been raised in regard to the interpretation of sub-reg. (1) of Regulation 50. The same is clarified as follows:

(a) Every order passed by the competent authority imposing on a Board employee the penalty of reduction to a lower stage in a time scale should indicate: -

- (i) the date from which it will take effect and the period (in terms of year(s) and month(s)) for which the penalty should be operated;
- (ii) the stage in the time-scale (in terms of rupees) to which the Board employee is reduced; and
- (iii) the extent (in terms of year(s) and month(s)), if any, to which the period referred to at (i) above should operate to postpone future increments.

It should be noted that reduction to a lower stage in a time-scale is not permissible under the regulations either for an unspecified period or as a permanent measure. Also when a Board employee is reduced to a particular stage, his pay will remain constant at that stage for the entire period of reduction. The period to be specified under (iii) should in no case exceed the period specified under (i).

(b) The question as to what should be the pay of a Board employee on the expiry of the period of reduction should be decided as follows:

- (i) if the original order of reduction lays down that the period of reduction shall not operate to postpone future increments or is silent on this point, the Board employee should be allowed to pay which he would have drawn in the normal course but for reduction. If however, the pay before reduction was below the efficiency bar, he should not be allowed to cross the said bar except in accordance with the provisions of Reg. 45;
- (ii) if the original order specifies that the period of reduction was to operate to postpone future increments for any specified period, the pay of the Board employee shall be fixed in accordance with (i) above but after treating the period for which the increments were to be postponed as not counting for increments.

NOTE 4. – It has been decided that while imposing a penalty of reduction to a lower stage in the time scale of pay, the operative portion of the

punishment order should be in the form given below:

“Whereas it has been decided that Shri(name with designation) should be awarded the penalty of reduction in the time-scale of pay of Rs. now, therefore, it is hereby ordered that the pay of the said Shri be reduced by stage(s) from Rs. to Rs. in the time scale of pay for a period of (year(s)/month(s)) with effect from It is further directed that Shriwill/will not earn increment(s) of pay during the period of reduction and that on expiry of this period, the reduction will/will not have the effect of postponing his future increments of pay”.

51. When a Board employee is ordered to be reduced to a lower grade or post, and is subsequently promoted or re-instated, his previous service in the grade or post from which he was reduced counts for increment, unless the authority promoting or re-instating him declares that it shall not so count either in whole or part. The period during which the orders of reduction were in force does not count for increment upon promotion or reinstatement.

Reduction to a lower grade or post & promotion or reinstatement

NOTE (1) An order imposing the penalty of reduction to a lower service, grade or post or lower time-scale should invariably specify –

- (i) the date from which it will take effect;
- (ii) the stage in the time-scale (in terms of rupees) to which the Board employee is reduced.

(2) An order imposing the penalty of reduction to a lower service grade or post or to a lower time-scale should also specify –

- (i) the period of reduction, unless the clear intention is that the reduction should be permanent or for an indefinite period; and
- (ii) whether on promotion subsequent to the imposition of penalty, the seniority of the Board employee which had been assigned to him prior to the imposition of penalty will be restored in the higher grade or post or higher time-scale of pay.

In cases where the reduction is for specified period and is not to operate to postpone future increment, the seniority of the Board employee may, unless the terms of the order of punishment provide otherwise, be fixed in the higher service, grade or post or the higher time-scale at what it would have been but for the reduction.

Where the reduction is for a specified period and is to operate to postpone future increments, the seniority of the Board employee on subsequent promotion may, unless the terms of the order of punishment provide otherwise, be fixed by giving credit for the period of service rendered by him in the higher service, grade or post or higher time-scale.

Illustrations: I. If the order of reduction is intended for an indefinite period, the order should be framed as follows:

"A" is reduced to the lower post/grade/service of "X" until he is found fit by the competent authority to be restored to the higher post/grade/service of "Y".

- II. In cases where it is intended that the fitness of the Board employee for promotion or restoration to his original position will be considered only after a specified period, the order of the competent authority should be made in the following manner:

"B" is reduced to the lower post/grade/service of "X" until he is found fit, after a period of year(s) from the date of this order, to be restored to the higher post/grade/service of "Z".

52. Where an order of penalty of withholding of increment of a Board employee or his reduction to a lower service, grade or post, or to a lower time-scale, or to a lower stage in a time-scale, is set aside or modified by a competent authority on appeal or review, the pay of the concerned Board employee shall, notwithstanding anything contained in these rules, be regulated in the following manner: -

- (a) If the said order is set aside, he shall be given for the period such order has been in force, the difference between the pay to which he would have been entitled had that order not been made and the pay he had actually drawn.
- (b) If the said order is modified, he shall be regulated as if the order as so modified in the first instance.

EXPLANATION - If the pay drawn by a Board employee in respect of any period prior to the issue of the orders of the competent authority under this regulation is revised, the leave salary and allowances (other than travelling allowance) if any, admissible to him during that period shall be revised on the basis of the revised pay.

ADMINISTRATIVE INSTRUCTIONS - A permanent post vacated by reduction of a Board employee to a lower service, grade or post or to a lower time-scale of pay should not be filled substantively until the expiry of a period of one year from the date of such reduction.

Where, on the expiry of the period of one year, the permanent post is filled and the original incumbent of the post is reinstated thereafter, he should be accommodated against any post which may be substantively vacant in the grade to which his previous substantive post belonged.

If there is no such vacant post, he should be accommodated against a supernumerary post which should be created in this grade with proper sanction and with the stipulation that it should be terminated on the occurrence of the first substantive vacancy in that grade.

53. When an officer in a post (whether within the cadre of his previous service or not) is for any reason prevented from officiating in his turn in a post on a higher time-scale of pay or grade borne on the cadre of

Performa officiating promotion

the service to which he belongs, he may be authorised by special order of the competent authority "proforma officiating promotion" into such scale or grade and thereupon granted the pay of that scale or grade, if that be more advantageous to him, on each occasion on which the officer immediately junior to him in the cadre of the service (or if that officer has been passed over by a reason of inefficiency or unsuitability or because he is on leave or serving outside the ordinary line or forgoes officiating promotion of his own violation to that scale or grade than the officer next junior to him not so passed over) draws officiating pay in that scale or grade;

Provided that all officers senior to the officer to whom the benefit under the substantive part of this rule is to be allowed are also drawing, unless they have been passed over for one or other of the reasons aforesaid, officiating pay in the said or some higher scale or grade within the cadre.

Provided further that, except in cases covered by any special orders of the competent authority not more than one officer (either the senior most fit officer in a series of adjacent officers outside the ordinary line, or if, such an officer either forgoes the benefit of his own violation or does not require the benefit by virtue of his holding a post outside the ordinary line which secures him at least equivalent benefits in respect of pay and pension then the next below in the series) may be authorised to draw the pay of the higher scale or grade in respect of any one officiating vacancy within the cadre filled by his junior under this regulation.

NOTE – The application of the provisions of this regulation should be with regard to the following:

(i) The officer to whom the benefit of this regulation is given should be fit for promotion;

(ii) All officers senior to him should have been given acting promotions, unless they have been passed over due to inefficiency or, unsuitability or leave any other reason;

(iii) The officer next junior to him should have been given officiating promotion or if he is passed over due to inefficiency or otherwise, some officer junior to him should have actually received the promotion in the parent department.

(iv) The benefit of this regulation should be given to only one person against the vacancy.

(v) A purely fortuitous officiating promotion given to an officer who is junior to an officer outside the regular line does not in itself give rise to a claim under the above rule.

54. (1) Subject to the provisions of Regulations 53 and Regulations 57, a Board employee who is appointed to officiate in a post will draw the presumptive pay of that post.

(2) On an enhancement in the grade pay of the lower post as a result of increment or otherwise, the pay of such Board employee shall be refixed under sub-reg. (1) from the date of such enhancement as if he was appointed to officiate in that post on that date where such refixation is to his advantage:

Provided that such lower officiating post was held on a regular basis or would have been so held, but for the officiation on a regular basis in a higher cadre or post.

Provided further that the provisions of Regulation 39 (1) (i) shall not be applicable in the matter of refixation of pay under sub-reg. (2) of this Regulation.

NOTE 1. – Where the increment of a Board employee in the post which he is officiating has been withheld under Reg. 44 without reference to the increments that will accrue to him in that post held by him substantively, the provisions contained in sub-reg. (2) of this Regulation shall not apply before the date from which the orders withholding the increment finally cease to be operative. However, the Board employee whose pay in the post held by him in an officiating capacity has been withheld at a particular stage or the efficiency bar stage of the time-scale of that post.

NOTE 2. – A doubt has been raised in the case of a Board employee whose officiating pay on refixation under Reg. 54 (2) carries his pay above the efficiency bar stage in the time-scale of the officiating post, the efficiency bar should be applied or not.

Since the refixation of officiating pay under Reg. 54 (2) is to be done in the same manner as initial fixation of pay under Reg. 54 (1), it has been decided that in the type of cases above, the Board employee concerned should be deemed to have automatically crossed the efficiency bar at the time of refixation of officiating pay and the question of application of efficiency bar will not arise.

55. The pay of a Board employee, whose promotion or appointment to a post is found to be or have been erroneous, shall be regulated in accordance with any general or special orders issued by the Board in this behalf.

Erroneous promotion/
appointment & pay
regulation

NOTE 1. – The following provisions shall govern the pay and increments of a Board employee whose promotion or appointment in a substantive or officiating capacity to a post is later found to be erroneous on the basis of facts:

- (i) The orders or notification of promotion or appointment of a Board employee should be cancelled as soon as it is brought to the notice of the appointing authority that such a promotion or appointment has been regulated from a factual error and the Board employee concerned should, immediately on such cancellation, be brought to the position which he would have held but for the incorrect order of promotion or appointment.
- (ii) In the case, however, of a Board employee who has been erroneously promoted and appointed to a post in a substantive

capacity, steps for de-confirming the said Board employee in that post should be taken and thereafter the Board employee concerned should be brought down to the position which he would have held but for the erroneous promotion/appointment by the issue of orders as mentioned above. Service rendered by the Board employee concerned in the post to which he was wrongly promoted/appointed as a result of the error should not be reckoned for the purpose of increments or for any other purposes in that grade or post to which he would not normally be entitled but for the erroneous promotion/appointment.

- (iii) Any consequential promotions or appointments of other Board employees made on the basis of the incorrect promotion or appointment of a particular Board employee will also be regarded as erroneous and such cases also will be regulated on the lines indicated above.
- (iv) Cases of erroneous promotion or appointment in a substantive or officiating capacity of any Board employee should be viewed with serious concern and suitable disciplinary action should be taken against the officers and staff responsible for such erroneous promotion or appointment. The orders refixing the pay of the concerned Board employee should be issued expressly under Rule 53.

NOTE 2. – The following procedure should be followed while cancelling orders relating to confirmation of Board employees which are later found to be erroneous: -

- (a) Confirmation can be cancelled if the order of confirmation was clearly contrary to the statutory rules, and there is no power or discretion to relax the rules.
- (b) If the order of confirmation was made when there was no substantive vacancy and the confirmation authority had no power to create post to which the officer was confirmed.
- (c) If the order of confirmation was made in error; e.g., naming wrong person or mistake of identity.

Orders of confirmation in the above mentioned cases are void ab initio and the officer does not acquire any right to hold the post in which the order purported to confirm him. Provisions of Article 311 (2) of the Constitution are not attached and therefore, the procedure of “show cause notice” is not required to be followed before cancelling the order of confirmation. If, however, the order of confirmation was made in contravention of executive or administrative instructions, it cannot be set aside. Cancellation of confirmation in such cases would amount to reduction in rank without any fault on the part of the Board employee concerned.

56. When a Board employee officiates in a post the pay of which has been fixed at a rate personal to another Board employee, the Board may permit him to draw pay at any rate not exceeding the rate so fixed or, if the rate so fixed be a time-scale, may grant him initial pay not exceeding the lowest stage of that time-scale and future increments not exceeding those of the sanctioned scale.

Pay of a post carrying a pay personal to another Board employee

57. The pay of an officiating Board employee may be fixed by the Board at an amount less than that admissible under these regulations.

Officiating pay at reduced rate

NOTE – When a Board employee is appointed to officiate in a post on a time-scale of pay but has his pay fixed below the minimum of the time-scale under this regulation, he must not be treated as having effectively officiated in the said post within the meaning of Reg. 39 or Reg. 41, or having rendered duty in it within the meaning of Reg. 46. Such an employee on confirmation, should have his pay fixed under sub-reg. (2) of Reg. 38 and draw the next increment after he has put in duty for the usual period required, calculated from the date of his being allowed to draw minimum of the time-scale of pay.

58. The Board may issue general or special orders allowing acting promotion to be made in the place of Board employees who are treated as on duty under Reg. 9 (12) (iii).

Acting promotion

NOTE 1. – In the case of Board employee sent for training or a special course of instruction, which is treated as duty under Reg. 9 (12) (iii), it is not necessary to create a new post in order to accommodate him during such training or course of instruction since the very order posting him for training, etc., would be considered a sanction in this behalf.

NOTE 2. – The expression “acting promotion” occurring in the above rule covers cases of “acting arrangements” including employment of substitute from amongst outsiders in place of officials treated as on duty under Reg. 9 (12) (iii).

59. Except when the authority sanctioning it orders otherwise, personal pay shall be reduced by any amount by which the recipient's pay may be increased by an amount cease as soon as his pay is increased by an amount equal to his personal pay.

Personal pay and absorption in subsequent increases of pay

60. When a temporary post is created which may have to be filled by a person not already in Board service, the pay of the post shall be fixed with reference to: -

Pay of temporary post

- (a) the character and responsibility of the works to be performed; and,
- (b) the minimum necessary to secure the services of a person capable of discharging efficiently the duties of the post.

Such as post, unless the Board may by order otherwise direct, carry pay in the time-scale of comparable permanent posts under the Board or where there is no comparable permanent or regular post, at such time-scale as the Board may determine.

61. When a temporary post is created which may be filled by a person who is already a Board employee, its pay should be fixed by the Committee with due regard to:-

- (i) the character and responsibility of the work to be performed; and
- (ii) the existing pay of the Board employees of a status sufficient to warrant their selection for the post.

62. (1) The pay of a Board employee re-employed after retirement shall be so fixed within the time-scale of pay prescribed for the post in which he is

Pay on re-employment after retirement

re-employed, that total amount of the re-employed pay plus the value of pension does not exceed at any time –

- (i) the pay drawn before retirement; or
- (ii) the maximum of the time-scale prescribed for the post or the pay of the post if it is fixed pay.

Provided that if in any case the pay so fixed falls below the minimum of the scale of the post, to which the Board employee is re-employed, the pay shall be fixed at the minimum of the scale and he shall in addition be eligible to draw pension and to retain other retirement benefits, unless the pay drawn before retirement is exceeded, the pay shall be so adjusted that the pay together with the pension, amounts to pay drawn before retirement.

NOTE1 Pay last drawn before retirement shall be taken to be the substantive pay last drawn or officiating pay drawn continuously at least for one year before retirement, as the case may be, provided that, as regards the officiating pay, the re-employment is made in the same post or in a post of equivalent rank and responsibility to the officiating post held before retirement.

NOTE 2. – The pay drawn before retirement whether substantive or officiating pay shall include special pay which is drawn for at least a year before retirement.

- (2) In cases where the minimum pay in the prescribed scale or the post in which the officer is re-employed is more than the last pay drawn, the officer concerned may be allowed, notwithstanding the provision contained in sub-reg. (1) above, the minimum of the prescribed scale less pension.

NOTE – If any dearness allowance drawn by such officer before re-employment has been merged in the prescribed scale of the post to which the Board employee has been re-employed, the term “last pay drawn before retirement” shall include dearness allowance drawn before retirement if any.

CHAPTER V
ADDITION TO PAY

63. The Board shall have power to grant compensatory allowance to the Board employees, the amount of which shall be so regulated that the allowance is not on the whole, a source of profit to the recipient. The Board may grant such allowances to any Board employee(s) under its control and may make regulation prescribing their amounts and the conditions under which they may be drawn. Grant of
Compensatory
allowance
- NOTE 1.** – No revision of claims of travelling allowance is permissible in cases where a Board employee is promoted or reverted or is granted increased rate of pay with retrospective effect in respect of the period intervening between the date of promotion or revision or grant of increased rate of pay and that on which it is notified unless it is clear that there has been actual change of duties.
- NOTE 2.** – A Board employee's claims to travelling allowance should be regulated by the rules in force at the time of journeys, in respect of which they are made, was undertaken.
64. A compensatory allowance should ordinarily be drawn only by a Board employee actually on duty, but the Board may make regulation specifying the conditions under which a Board employee on leave may continue to draw a compensation allowance, or a portion thereof, in addition to leave salary. One of the conditions should be that the whole or a considerable part of the expense to meet which the allowance was given, continues during leave.
65. A compensatory allowance attached to a post will be drawn in full by the Board employee performing the duties of that post.
NOTE –A compensatory allowance attached to a post shall cease to be drawn by a Board employee when he vacates the post.
66. (1) When a Board employee who has drawn a compensatory allowance in his old post joins a new post to which he is appointed while on duty in his old post, or when a Board employee joins a new post on return from leave of not more than four months' duration during which he has been permitted by the competent authority to draw a compensatory allowance, and a compensatory allowance is also attached to his new post, he will during joining time draw a compensatory allowance at the lower of the two rates.
(2) Compensatory allowance is admissible in all cases during joining time and will be at the rate of the allowance attached to the post which the Board employee is leaving or proceeding to join, as the case may be.
67. (1) A compensatory allowance, other than a house rent allowance and a conveyance allowance, may be drawn up to a maximum period of four months by a Board employee who takes earned leave including commuted leave on medical ground from the post to which the allowance is attached or is transferred there from for not more than one month to another post,

as well as by the Board employee performing the duties of the post to which the allowance is attached:

Provided that:

- (a) the authority sanctioning the leave or transfer, as the case may be, certifies that the Board employee is likely to return, on the expiry of his leave or his temporary duty, to the post which the allowance is attached or to another post carrying a similar allowance; and
 - (b) the Board employee certifies that he continues to incur the whole or a considerable part of the expense to meet which the allowance was granted.
- (2) The following are the prescribed forms of certificates in proviso (a) and (b) above:

CERTIFICATE BY THE AUTHORITY SANCTIONING THE
LEAVE/TRANSFER

(Refer Proviso (a) below Regulation 67 (1))

There is every expectation of his returning to post from which he proceeded on leave/temporary transfer.

Signature

Designation

NOTE – This certificate should be included in the original orders sanctioning the leave or transfer.

CERTIFICATE OF THE BOARD EMPLOYEE PROCEEDING ON
LEAVE/TRANSFER

(Refer Proviso (b) below Regulation 67 (1))

Certified that for the reasons furnished below I continue necessarily to incur during the period of the leave the whole temporary transfer approximately per cent of the expense to meet which the Allowance was given.

Signature

Designation

Date

Reasons – Examples of such reasons would be –

- (1) that the leave was spent in
- (2) that the family was left in
- (3) that the Board employee was obliged to continue paying rent for his house or to maintain establishment during absence from

NOTE 1. – The expression “period of four months” in Reg. 67 (1) should be interpreted as the period of his leave including commuted leave on _____ whether taken alone or in combination with other leave and the allowance is not admissible during any other kind of leave.

NOTE 2. – In regard to the certificate prescribed in Proviso (a) of Reg. 67 (1), the authority competent to control the Board employee's posting should satisfy that there is reasonable expectation that the Board employee is, on the expiry of his leave or temporary transfer, likely to return to the post from which he is being relieved or to another post carrying similar allowance. A mere hope or unsupported expectation on the part of the Board employee should not form the basis of the certificate. The authority sanctioning the leave or temporary transfer should in cases in which the above regulation operates invariably embody in the sanctioning orders a certificate regarding such likelihood of the Board employee's return.

NOTE 3. – The limit of four months laid down in Regulation 66 shall be extended to eight months in the case of Board employees suffering from Tuberculosis/Cancer/Leprosy during the period of their leave. The medical certificate shall also be furnished in such cases. The house rent allowance may be drawn by a Board employee, other conditions remaining the same, in the circumstances specified below:

(1) Leave: (i) A Board employee will be entitled to draw house rent allowance during leave at the same rate at which he was drawing this allowance before he proceeded on leave. For this purpose, leave means total leave of all kinds not exceeding 120 days and if the actual duration of the leave exceeds that period. When vacation or holidays are combined with leave, the entire period of vacation or holidays and leave should be taken as one spell of leave.

NOTE 1. – In the case of Board employees who are originally granted leave on medical certificate exceeding four months and have ultimately to retire from Board service on ground of invalidity, the entire leave thus becoming leave preparatory to retirement, recovery of house rent allowance already drawn need not be affected.

NOTE 2. – The drawal of this allowance during the period of vacation whether combined with leave or not shall be regulated in the same way as during leave.

(ii) The limit of 120 days shall be extended to eight months for the purpose of the grant of this allowance in the case of Board employees suffering from Tuberculosis, Cancer or Leprosy during the period of their leave taken on medical certificates. It is immaterial whether the leave is on medical certificate from very commencement or is in continuation of other leave as defined in (i) above. The question whether this allowance may be paid to an officer suffering from Tuberculosis, Cancer or Leprosy during leave on medical certificate exceeding eight months shall be decided on merits by the competent authority.

(iii) Drawal of the allowance during the period of leave in excess of four months shall be subject to furnishing of the certificate prescribed in sub-reg. (6) below.

- (2) Joining Time: During joining time, a Board employee shall continue to draw house rent allowance at the same rate at which he was drawing the allowance at the station from where he was transferred. Where, however, the joining time is affixed to joining time shall be added to the period of 120 days referred to in sub-reg. (1) above unless in any case it is otherwise expressly provided.
- (3) Deputation abroad: The officer going abroad on deputation for a period exceeding four months shall be eligible to draw house rent allowance at the rate admissible to them from time to time at the station from where they proceeded on deputation in the following manner –
- (i) Deputation not exceeding one year: House rent allowance will be admissible for the entire period of deputation.
- (ii) Deputation exceeding one year: House rent allowance will be admissible for the entire period of deputation only if either family passages to the place of deputation abroad have not been availed of or transfer travelling allowance for the journey of the officer's family from the headquarters in India to the hometown/village or to any other station has not been sanctioned or availed of by the family of the deputationist concerned. If, however, a deputationist retains his family at his headquarters in India and draws house rent allowance for some time and then applies for family passages to the place of deputation abroad or transfer travelling allowance in respect of his family's journey from the headquarters in India to the same town/village or any other station, he shall refund the amount of house rent allowance already drawn before availing of family passages to the place of deputation abroad/transfer travelling allowance for his family to his hometown/village or any other station in India.
- (iii) Deputation initially not exceeding one year but subsequently extended beyond one year: House rent allowance will be admissible up to the date of orders extending the period of deputation beyond one year. Therefore, the allowance will be admissible provided the deputationist does not avail of the family passages to the place of deputation abroad or transfer travelling allowance for the journey of his family from his headquarters in India to his hometown/village or any other station in India. Where, however, such deputationist continues to draw house rent allowance even after the date of order extending the period of deputation beyond one year and then decides to avail family passages to the place of deputation abroad on transfer travelling allowance for his family's journey to his hometown/village or any other station, he shall refund the amount of house rent allowance drawn after the date of such orders.
- (iv) The drawal of the house rent allowance under this sub-reg. will be subject to the production of certificate prescribed in sub-reg. (6) below.
- (4) Training abroad: A Board employee who is deputed for training abroad under the various training schemes sponsored by the Government of India

or operated through non-officials channels, shall be entitled to draw the house rent allowance during the entire period of such training, at the rate admissible to him from time to time at the station from where he was deputed abroad for training subject to the production of certificates prescribed below.

- (5) Training in India: A Board employee, whether permanent or temporary who is sent on training in India, and whose period of training is treated as on duty under Reg. 9 (12) (iii) shall be entitled to draw during the entire period of such training the house rent allowance at the rates admissible to him from time to time at either the place of training or the place of duty from where he proceeded on training whichever are more favourable to him. For claiming the allowance admissible at the place of duty from where a Board employee proceeded to another station for anything, he will be required to furnish the certificate(s) prescribed below sub-reg. (6).

NOTE: A Board employee who is allowed travelling allowance as on tour and draws daily allowance at the place of training will draw a house rent allowance only at the rate admissible to him at his headquarter from where he proceeded on training.

- (6) Suspension: The drawal of house rent allowance to a Board employee under suspension shall be regulated with reference to proviso to Reg. 77 and Reg. 78, subject to his furnishing either or both of certificates prescribed below for drawal of the house rent allowance for the periods beyond 120 days from the date of suspension.

NOTE – If the headquarters of a Board employee under suspension are changed in the public interest by order of the competent authority, he shall be entitled to the allowance as admissible with reference to such station.

The prescribed certificate (required) will be as below:

CERTIFICATE FOR DRAWAL OF HOUSE RENT ALLOWANCE

The Board employee concerned continued for the period of which house rent allowance is claimed, to retain the house at the same station (whether within its qualifying limit or in adjoining area) from where he was placed under suspension/proceeded on leave/deputation abroad/training paid rent for it and not sublet whole of it.

CHAPTER VI**FEES AND REMUNERATION**

69. (1) Fees – A Board employee may be permitted if this can be done without detriment to his official duties and responsibilities to perform a special service or series of services for a private person or body or for a public body including a body administering a local fund and or receive a remuneration therefore, if the service be material, a non-recurring or recurring fee.

Circumstances in which granted

(2) Honoraria – Board may grant or permit a Board employee to receive an honorarium as remuneration for work performed which is intermittent or occasional in character and either so laborious or such special be recorded in writing, exist for departure from this provision, sanction of the grant or acceptance of an honorarium should not be given unless the work has been undertaken with the prior consent of the Executive Chairman and its amount has been settled in advance.

NOTE 1. (a) When a Board employee is permitted to undertake without detriment to his normal duties any outside work, e.g., work for a private person/body or in Undertaking, Statutory Bodies under the control of the Board or of the State Government or the Local Authorities and aided Non-Government organisation and institution, he may be authorised to receive a recurring or non-recurring fees for such work subject to the following conditions:

- (i) in the case of recurring monthly fees/remuneration, it shall be restricted to a sum not exceeding 20% of the basic pay of the concerned Board employee. The admissible amount of fee/remuneration shall be allowed for a period not exceeding six months and the whole amount may be retained by the Board employee without crediting any portion thereof to the Board Revenues.
- (ii) in the case of fees/remuneration paid for work done on an occasional or of an ad hoc nature, the fee/remuneration offered may be received by the Board employee concerned provided that during any financial year the total of such fees/remuneration shall not exceed 20% of his basic pay for the year in question. No portion of such fees/remuneration shall be required to be credited to the Board Revenues.
- (b) In this regard to the work relating to International Bodies, State Government, Central Government, etc., acceptance of fees,/remuneration by the Board employees shall be regulated by the rules/regulations/agreements made by the Board on this behalf.

NOTE 2. – Board employees on deputation to public sector undertaking should not receive any bonus or ex-gratia payment in lieu thereof. If they have necessarily to receive any such payment, the amount should be

remitted to the Board Revenue immediately under intimation to the Executive Chairman.

In cases however, where a Board employee on deputation to public sector undertaking does not draw any deputation allowance or any other extra additional benefits commensurate with a deputation allowance to which he would have ordinarily been entitled, a separate Board order may be issued in such cases in the matter of acceptance of bonus by such Board employee on deputation to public sector undertaking.

70. The following conditions shall regulate the acceptance of fees or remuneration namely -
- Conditions of acceptance
- (i) No Board employee may accept a fee without the sanction in writing of a competent authority.
 - (ii) Except when special reasons exist, which should be recorded in writing by the sanctioning authority, sanction shall not be given to the acceptance of a fee or remuneration unless the work has been undertaken with the prior consent in writing of the sanctioning authority, and unless the amount has been settled with his concurrence in advance.
 - (iii) The amount of a fee or remuneration shall be fixed with due regard to the value of the services in return for which it is given.
 - (iv) The sanctioning authority shall record in writing that due regard has been paid to the principle enunciated in Reg. 16 and shall record also the reasons which in his opinion justify the grant of extra remuneration.

NOTE 1. – Board employees are not required to obtain any sanction to broadcast on All India Radio if such broadcasts are purely literary, artistic or scientific character. In such cases, the need of ensuring that the broadcast are of such character rests on the Board employee concerned. In cases in which no sanction is required for such broadcast, no permission is necessary for Board employee to receive the honorarium. In cases where sanction if given, should be taken to carry with it also the sanction to receive the honorarium.

NOTE 2. – While it is not possible to enumerate the specific cases in which honorarium should not be sanctioned, the following guidelines should be kept in view by the administrative authorities in deciding each case:

- (i) No honorarium is admissible for temporary increases in work, which are normal incidents of Board work and form part of the legitimate duties of Board employees according to the general principle enunciated in Reg. 16.
- (ii) No honorarium should not be granted to officers engaged in work in connection with setting up of companies, corporations, etc. which forms part of their normal duties, even if they work after office hours.

- (iii) No honorarium should be given when a Board employee performs duties of another sanctioned post in addition to the normal duties attached to his own post.
- (iv) No honorarium should be granted in cases where overtime allowance has been paid to the staff in connection with the same work.

71. Any Board employee is eligible to receive and, except as otherwise provided by a general or special order of the Executive Chairman, to retain without special permission –
- (a) the premium awarded for any essay or plan in public competition;
 - (b) any reward offered for the arrest of a criminal, or for information or special service in connection with the administrative of justice;
 - (c) any reward in accordance with the provisions of any Act or Regulations or Rules framed there under;
 - (d) any reward sanctioned for services in connection with the administration of the customs and excise law; and,
 - (e) any fees payable to a Board employee for duties which he is required to perform in his official capacity under any special or local law or by order of the Board.
72. When an honorarium or fees is paid for work done by a Board employee during time which would otherwise be spent in the performance of official duties, the honorarium or fees must be credited to Board Revenues; provided that a competent authority may, for special reasons which should be recorded direct that the whole or any part of it may be paid to the Board employee.
73. No Board employee may act as arbitrator in any case which is likely to come before him in any shape by virtue of any executive post which he may be holding.
74. A Board employee called upon by a court of law to act as a commission to give evidence on technical matters may comply with the request, provided that the case is not of such nature as will likely to come before him in the course of his official duties and any fee received by him be credited to Board Revenues.

CHAPTER VII**COMBINATION OF APPOINTMENTS**

75. The Executive Chairman may appoint a Board employee already holding a post in a substantive or officiating capacity to officiate, as a temporary measure, in one or more of other independent posts at one time under the Board. In such cases, his pay is regulated as follows: -

Pay how regulated

- (i) Where a Board employee is formally appointed to hold full charge of the duties of a higher post in the same office as his own and in the same cadre/line of promotion, in addition to his ordinary duties, he shall be allowed to pay admissible to him, if he is appointed to officiate in the higher post, unless the competent authority reduces his officiating pay under Reg. 57; but no additional pay shall, however, be allowed for performing the duties of a lower post;
- (ii) Where a Board employee is formally appointed to hold dual charges of two posts in the same cadre in the same office carrying identical scales of pay, no additional pay shall be admissible irrespective of the period of dual charge.
Provided that if the Board employee is appointed to an additional post which carries a special pay, he shall be allowed such special pay;
- (iii) Where a Board employee is formally appointed to hold charge of another post or posts or which is or are not in the same office or which though in the same office, is or are not in the same cadre/line of promotion, he shall be allowed the pay of the higher post, or of the highest post if he holds charge of more than two posts, in addition to ten (10) per cent of the presumptive pay of additional post or posts, if the additional charge is held for a period exceeding thirty nine (39) days but not exceeding three (3) months;
- (iv) No additional pay shall be admissible to a Board employee who is appointed to hold current charge of another post or posts irrespective of the duration of the additional charge;
- (v) If compensatory or sumptuary allowances are attached to one or more of the posts, the Board employee shall draw such compensatory or sumptuary allowance as the Board may fix;

Provided that such allowance shall not exceed the total of the compensatory and sumptuary allowance attached to the posts.

NOTE (a) An order appointing an officer to hold the current charge of the duties of a post should, in the absence of any specific direction to the contrary, be deemed to clothe the officer with all the powers vested in the full-fledged incumbent of that post. Such an officer should not, however, modify or over-rule the orders of the regular incumbent of the post except in an emergency without obtaining the orders of the next higher authority.

- (b) When the appointment to hold current duties of a post involves the exercise of statutory or such other power conferred on the holder of the post, the appointment should also be notified in the Official Gazette, or such notification, as the case may be.

CHAPTER VIII**DISMISSAL, REMOVAL & SUSPENSION**

76. The pay and allowances of a Board employee who is dismissed or removed from service cease from the date of such dismissal or removal.

Termination of
Service on
dismissal or
removal

NOTE: Dismissal or removal from service terminates the service of an officer from the date on which the relevant order is passed. The order of dismissal or removal from service cannot thus be given a retrospective effect with reference the date of the order.

77. (1) A Board employee under suspension or deemed to have been placed under suspension by an order of the appointing authority shall be entitled to the following payments, namely -

Subsistence
allowance while
under suspension

- (a) a subsistence allowance at an amount equal to the leave salary which the Board employee would have drawn if he had been on leave on half average pay or on half pay;

Provided that where the period of suspension exceeds six months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first six months as follows:

- (i) The amount of subsistence allowance may be increased by a suitable amount not exceeding 50 per cent of the subsistence allowance admissible during the period of first six months if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing not directly attributable to the Board employee.
- (ii) The amount of the subsistence allowance may be reduced by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period of the first six months, if in the opinion of the said authority, the period of suspension has been prolonged due to reasons to be recorded in writing, directly attributable to the Board employee.
- (b) Dearness Allowance, Medical Allowance or other compensatory allowance admissible from time to time on the basis of pay which the Board employee was in receipt on the date of suspension subject to the fulfilment of other conditions laid down for the drawal of such allowances.

- (2) No payment under sub-reg. (1) shall be made unless the Board employee furnished a certificate that he is not engaged in any other employment, business, profession or vocation:

Provided that in the case of a Board employee dismissed or removed or compulsorily retired from service, who is deemed to have been placed or continue to be under suspension from the date of such dismissal, removal or compulsory retirement, and who fails during which he is deemed to be placed or to continue to be under suspension, he shall be entitled to the

subsistence allowance and other allowances equal to the amount by which his earning during such period or periods, as the case may be, fall short of the amount of subsistence allowance and other allowances that would otherwise be admissible to him; where the subsistence allowance and other allowances admissible to him are equal to or less than the amount earned by him, nothing in this proviso shall apply to him.

- (3) There shall be recovered from the subsistence allowance granted to a Board employee the following which would have been recovered from his salary had not been suspended: -

Recoveries from
subsistence allowance

(a) Compulsory deductions:

- (i) Income-tax (provided the employee's yearly income calculated with reference to subsistence allowance is taxable);
- (ii) House rent and allied charges, i.e., electricity, water, etc.;
- (iii) Repayment of loans and advances taken from Government and/or the Board at such rate as the head of the department deems it right to fix.

(b) Optional deductions: The recovery of the following optional deductions should not be made without the Board employee's written consent: -

- (i) Premium due on Postal Life Assurance Policies;
- (ii) Amount due to Co-operative Stores and Co-operative Credit Societies;
- (iii) Refund of advances taken from the General Provident Fund;
- (iv) Recovery of loss to Board for which the Board employee is responsible.

(c) The following nature of deductions shall not be made from the 'subsistence allowance: -

- (i) Subscription to a General Provident Fund;
- (ii) Amounts due on Court attachments.

Provided that the total amount of the recoveries should not ordinarily be made at the rate greater than one-third of the amount of subsistence allowance, i.e., exclusive of dearness allowance, if any, admissible to him under Reg. 77 (1)

(a). Where the total amount calculated to be so recovered exceeds one-third of such subsistence allowance, sanction of the appointing authority shall be obtained as to the amount to be recovered in order that the total amount of such deductions may not exceed one-third of such allowance.

NOTE 1. - The subsistence allowances shall not be denied on any ground unless a Board employee under suspension is unable to/does not furnish a certificate that he is not engaged in other employment, business, profession or vocation during the period of suspension.

NOTE 2. - Each claim for subsistence allowance and compensatory/house rent allowance shall be supported by a certificate by the Board employee concerned to the effect that he is not engaged in any employment, business, professional or vocation during the period of which they claim relates.

NOTE 3. – Review –

- (a) First Review – A review of the subsistence allowance shall be made before the end of the first six months from the date of suspension. This will also give an opportunity to the competent authority to review not merely the subsistence allowance but also the substantive question of suspension. It is obligatory under Reg. 76 that in sufficient time before the expiry of the first six months of suspension, the competent authority should review each case in which the period of suspension is likely to exceed six months, and even if it comes to the conclusion that the rate is not be altered having regard to all the circumstances of the case, specific orders to that effect are to be passed placing on record the circumstances under which the decision had to be taken.
- (b) Second or subsequent review(s) – There is no objection to such review(s) being made by the competent authority. Such authority shall be competent to increase or decrease the rate of subsistence allowance up to fifty per cent of the amount of subsistence allowance initially granted, according to the circumstances of each case. A second or subsequent review can be made at any time at the discretion of the competent authority.

It is permissible to reduce the amount of subsistence allowance once increased on the basis of the first review up to fifty per cent of the amount of the subsistence allowance initially granted, if the period of suspension has been prolonged for reasons directly attributable to the Board employee, i.e., by his adopting dilatory tactics.

Similarly, in a case where the amount of subsistence allowance has been reduced after the first review, the same can be increased up to fifty per cent of the amount initially granted, if the period of suspension has been prolonged for reasons not directly attributable to the Board employee and the Board employee has given up dilatory tactics.

- (c) Retrospective revision: It is not considered advisable that any order of revision the rate of subsistence allowance should be given retrospective effect. This is merely an advice of caution to serve a guideline to the competent authority ordering variation in subsistence allowance as such authority in all cases shall institute action in sufficient time so that requisite order can take effect as soon as a suspended employee completes six months under suspension. This does not over-ride the power of the competent authority conferred under this regulation to revise the subsistence allowance. As such, in case an order for variation of subsistence allowance under this regulation is passed by the competent authority (disciplinary and not appellate) after quite some time from the expiry of the requisite six months and that authority is satisfied that the variation has got to be recorded in writing and

orders accordingly, the same shall be valid and binding on all concerned.

- (d) Deemed suspension and Law of Limitation – A Board employee in whose case the order of suspension is deemed to have been continued in force or who is deemed to have been placed under suspension from the date of original order of dismissal/removal/compulsory retirement from service, he is to be paid subsistence and other allowances under this regulation with retrospective effect from the date of order of such dismissal, removal or compulsory retirement.

78. (1) When a Board employee who has been dismissed, removed or compulsorily retired is reinstated as a result of appeal or review or would have been so reinstated but for his retirement on superannuation while under suspension or not, the authority competent to order reinstatement shall consider and make specific order –

Pay allowances on
reinstatement

- (a) regarding the pay and allowances to be paid to the Board employee for the period of his absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be; and
- (b) whether or not, the said period shall be treated as a period spent on duty.

(2) Where the authority competent to order reinstatement is of the opinion that the Board employee who had been dismissed, removed or compulsorily retired has been fully exonerated, the Board employee shall, subject to the provisions of sub-reg. (6) be paid the full pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to his dismissal, removal or compulsory retirement, as the case may be.

Provided that where such authority is of the opinion that the termination of the proceedings instituted against the Board employee had been delayed due to reasons directly attributable to the Board employee, it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct for reasons to be recorded in writing, that the Board employee shall subject to the provisions of sub-reg. (7) below, be paid for the period of such delay, only such amount (not being the whole) of such pay and allowances as it may determine.

(3) In a case falling under sub-reg. (2), the period of absence from duty including the period of suspension preceding dismissal, removal or compulsory retirement, as the case may be treated as a period spent on duty for all purposes.

(4) In cases other than those covered by sub-reg. (2) including cases where the order of dismissal, removal or compulsory retirement from service is set aside by the appellate or reviewing authority solely on the ground of non-compliance with the requirement of clause (2) of Article 311 of the Constitution of India and no further inquiry is proposed to be held, the Board employee shall subject to the

provisions of sub-reg. (6) and (7) below, be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine after giving notice to the Board employee of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period, which in no case shall exceed sixty days from the date on which the notice has been served, as may be specified in the notice.

(5) In a case falling under sub-reg. (4) the period of absence from duty including the period of suspension proceeding his dismissal, removal or compulsory retirement, as the case may be, shall not be treated as a period spent on duty, unless the competent authority specifically directs that it shall be treated so for any specified purpose.

Provided that if the Board employee so desires, such authority may direct that the period of absence from duty including the period of suspension proceeding the dismissal, removal or compulsory retirement, as the case may be, shall be converted into leave of any kind due and admissible to the Board employee.

NOTE 1. – The order of the competent authority under the preceding proviso shall be absolute and no higher sanction shall be necessary for the grant of –

- (a) extra-ordinary leave in excess of three months in the case of temporary Board employee; and
- (b) leave of any kind in excess of five years in the case of permanent Board employee.

NOTE 2. – When suspension regularized as leave, consequential recovery inescapable – The moment the period of suspension is converted into leave of any kind due and admissible to Board employee, it has the effect of vacating the order of suspension and it will be deemed not to have been passed at all. Therefore, if it is found that the total amount of subsistence and compensatory allowance that the employee received during the period of suspension exceeds the amount of leave salary and allowance, the excess will have to be refunded and there is no escape from this.

(6) The payment of allowances under sub-reg. (2) or sub-reg. (4) shall be subject to all other conditions under which such allowances are admissible.

(7) The amount determined under the proviso to sub-regulation (2) or under sub-reg. (4) shall not be less than the subsistence allowances and other allowances admissible under Regulation 76.

(8) Any payment made under this regulation to a Board employee on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of removal, dismissal or compulsory retirement, as the case may be, and the date of reinstatement.

Where the emoluments admissible under this regulation are equal to or less than the amounts earned during the employment elsewhere, nothing shall be paid to the Board employee.

79. (1) Where the dismissal, removal or compulsory retirement of a Board employee is set aside by Court of Law, and such Board employee is reinstated without holding any further inquiry, the period of absence from duty shall be paid pay and allowances in accordance with the provisions of sub-reg. (2) or sub-reg. (3) subject to the directions, if any, of the Court.

Pay and allowances on reinstatement when orders of dismissal, etc. are set aside by court of law

(2) (i) Where the dismissal, removal or compulsory retirement of a Board employee is set aside by the court solely on the ground of non-compliance with the requirements of Clause (1) or Clause (2) of Article 311 of the Constitution, and where he is not exonerated on merits, the Board employee shall, subject to the provisions of sub-reg. (7) of Reg. 78 be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled had he not been dismissed, removed or compulsory retirement, as the case may be, as the competent authority may determine, after giving notice to the Board employee of the quantum proposed and after considering the representation, if any, submitted by him, in that connection within such period, which in no case shall exceed sixty days from the date on which the notice has been served, as may be specified in the notice.

(ii) The period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of the Court shall be regularized in accordance with the provision contained in sub-reg. (5) of Regulation 78.

(3) If the dismissal, removal or compulsory retirement of a Board employee is set aside by the Court on the merit of the case, the period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement as the case may be, and the date of reinstatement shall be treated, as duty for all purposes and he shall be paid the full pay and allowances for the period, to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be.

(4) The payment of allowances under sub-reg. (2) or sub-reg. (3) shall be subject to all other conditions under which such allowances are admissible.

(5) Any payment made under this regulation to a Board employee on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of dismissal, removal or compulsory retirement and the date of reinstatement. Where the emoluments admissible under this regulation are equal to or less than those earned during employment elsewhere, nothing shall be paid to the Board employee.

80. (1) When a Board employee who has been suspended is reinstated or would have been so reinstated but for his retirement on superannuation including premature retirement while under suspension, the authority competent to order reinstatement shall consider and make a specified order –

Pay and allowances on reinstatement by competent authority

- (a) regarding the pay and allowances to be paid to the Board employee for the period of suspension ending with reinstatement or the date of retirement, as the case may be; and
- (b) whether or not the said period shall be treated as a period spent on duty.

(2) Notwithstanding anything contained in Regulation 77, where a Board employee under suspension dies before his disciplinary or court proceeding instituted against him are concluded, the period between the date of suspension and the date of death shall be treated as duty for all purposes and his family shall be paid the full pay and allowances for the period to which he would have been entitled and he not been suspended, subject to adjustment in respect of subsistence allowance already paid.

(3) Where the authority competent to order reinstatement is of the opinion that the suspension was wholly unjustified, the Board employee shall, subject to the provisions of sub-reg. (8) be paid the full pay and allowances to which he would have been entitled, had he not been suspended:

Provided that where such authority is of the opinion that the termination of the proceeding instituted against the Board employee had been delayed due to reasons directly attributable to the Board employee it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Board employee shall be paid for the period of such delay only such amount (not being the whole) of such pay and allowances as it may determine.

NOTE 1. – Where departmental proceedings against a suspended employee for the imposition of a major penalty finally end with the imposition of a minor penalty, the suspension can be said to be wholly unjustified and the Board employee concerned should, therefore, be paid full pay and allowances for the period of suspension by passing a suitable order under Reg. 80 (3).

NOTE 2. – Erroneous detention or detention without basis – In the case of a Board employee who was deemed to have been placed under suspension due to his detention in police custody erroneously or without basis and thereafter released without any prosecution having been launched, the competent authority should apply its mind at the time of revocation of the suspension and retirement of the official and if he comes to the conclusion that the suspension (deemed suspension) was wholly unjustified, full pay

and allowances may be allowed treating the suspension period as duty for all purposes.

The instructions above may be kept in view and scrupulously complied with in all cases where deemed suspension is found to be erroneous and the employee concerned is not prosecuted. In all cases, the deemed suspension may be treated as revoked from the date the cause of the suspension itself ceases to exist, i.e., the Board employee is released from Police custody without any prosecution having been launched. However, it will be desirable for the purpose of administrative record to make a formal order for revocation of such suspension.

- (4) In a case falling under sub-reg. (3) the period of suspension shall be treated as a period spent on duty for all purposes.
- (5) In cases other than those falling under sub-reg. (2) or sub-reg. (3), the Board employee shall, subject to the provisions of sub-reg. (8) and (9), be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled had he not been suspended, as the competent authority may determine after giving notice to the Board employee of the quantum proposed and considering the representation, if any, submitted by him in that connection within such period which in case shall exceed sixty days from the date on which the notice has been served as may be specified in the notice.
- (6) Where suspension is revoked pending finalization of the disciplinary or court proceedings, any order passed under sub-reg. (1) before the conclusion of the proceedings against the Board employee, shall be reviewed on its own motion after the conclusion of the proceedings by the authority mentioned in sub-reg. (1) who shall make an order according to the provisions of sub-reg. (3) or sub-reg. (5), as the case may be.
- (7) In cases falling under sub-reg. (5) the period of suspension shall not be treated as a period spent on duty unless the competent authority specifically directs that it shall be so treated for any specific purpose:
Provided that if the Board employee so desires such authority may order that the period of suspension shall be converted into leave of any kind due and admissible to the Board employee.
NOTE – The period of suspension of a Board employee, which is treated as dies-non, should not be reckoned as service for the purpose of any of these rules, i.e., it will not count for leave, increment and pension.
- (8) The payment of allowances under sub-reg. (2), sub-reg. (3) and sub-reg. (5) shall not be less than the subsistence allowance and other allowances admissible.
- (9) The amount determined under the proviso to sub-reg. (3) or under sub-reg. (5) shall not be less than the subsistence allowance and other allowances admissible under Regulation 77.

NOTE 1. – A permanent post vacated by the dismissal, removal or compulsory retirement of a Board employee should not be filled up substantively until the expiry of the period of one year from the date of such dismissal, removal or compulsory retirement, as the case may be. On the expiry of the period of one year the post may be filled up substantively subject to the condition that the arrangement so made will be reversed if the dismissed, removed or compulsorily retired Board employee is reinstated on appeal or otherwise. It is not necessary to keep a post vacant for a period of one year to provide for the contingency of subsequent reinstatement and confirmation in respect of an officer who at the time of dismissal, removal or compulsory retirement was not holding substantively permanent post but would have been considered for confirmation but for the penalty imposed.

Where, on the expiry of the period of one year, the permanent post is filled and the original incumbent of the post is reinstated thereafter, he should be accommodated against any post which may be substantively vacant in the grade to which his previous substantive post belonged. If there is no such vacant post, he should be accommodated against a supernumerary post, which should be created in this grade with proper sanction and with the stipulation that it would be terminated on the occurrence of the first substantive vacancy in that grade.

NOTE 2. – A person who is removed or dismissed from service has no locus stand as a Board employee. There is thus no bar to such a person accepting an employment when an appeal or a representation against the penalties imposed on him is pending before a higher authority or whereas suit against the Board for redress of his grievances is sub-judice in the Court of Law. If, however, the penalty of removal or dismissal from service is set aside in consequence of or by a decision of the higher authority or of the Court of Law and the person concerned is reinstated in service from the date earlier than the date on which the relevant order is passed, arrear due, if any, admissible to the reinstated person shall be deducted by the amount drawn during the period of such employment.

81. The cases of suspension during pendency of criminal proceeding or proceedings for arrest for debt or during detention under a law providing or preventive detention shall be dealt within the following manner: -

(a) A Board employee who is detained in custody under any law providing for preventive detention or as a result of proceeding

Regulation of suspension during Criminal proceedings, arrests or detention.

either on a criminal charge or for his arrest for debt shall, if the period of detention exceeds 48 hours and unless he is already under suspension, be deemed to be under suspension from the date of detention until further orders. A Board employee who is undergoing a sentence for imprisonment shall also be dealt with in the same manner pending a decision on the disciplinary action to be taken against him.

- (b) A Board employee against whom a proceeding has been taken for his arrest for debt but who is not actually detained in custody (e.g. a person released on bail) may be placed under suspension by the competent authority. If the charge is connected with the official position of the Board employee or involving moral turpitude on his part, suspension shall be ordered under the regulation unless there are exceptional reasons for not adopting the course.
- (c) A Board employee against whom a proceeding has been taken for his arrest for debts but who is not actually detained in custody may be placed under suspension by the competent authority if a disciplinary proceeding against him is contemplated.
- (d) When a Board employee who is deemed to be under suspension in the circumstances mentioned in Clause (a) or who is suspended in the circumstances mentioned against him, reinstated without taking disciplinary proceedings against him, his pay and allowances for the period of suspension be regulated under Reg. 79, i.e., in the event of his being acquitted of blame of (if the proceedings taken against him was for his arrest for debt) or its being proved that his liability arose from circumstances beyond his control or the detention being held by any competent authority to be wholly unjustified, the case may be dealt under Reg. 79 (3); otherwise it may be dealt with under proviso to Reg. 79 (3).

82. (1) In the case of a Board employee under suspension at the time of revision of scale of pay of the post held by him immediately prior to suspension, if the revised scale of pay takes effect from a date prior to the date of suspension, he would be allowed to exercise the option under Reg. 41 even if the period during which he is to exercise the option falls within the period of suspension. He will be entitled to the benefit of increase in pay, if any, in respect of the duty period before suspension and also in the subsistence allowance, for the period of suspension, as a result of such option.

(2) If, however, the revised scale of pay takes effect from the date falling within the period of suspension, and if he holds a lien or a suspended lien on the post, he should be allowed to exercise the option under Reg. 41 in spite of the fact that the benefit of option will accrue to him only after his reinstatement depending on the fact whether the period of suspension is treated as duty or not.

(3) Where a Board employee does not retain a lien on that post he may be allowed to exercise the option if he is reinstated in that post and the period of suspension is treated as on duty. In such cases, if there is a time limit prescribed for exercising the option and such period had already expired during the period of suspension, a relaxation may be made in each individual case for extending the period during which the option may be exercised.

Revision of scale of pay while under suspension and option to elect

83. Leave may not be granted to a Board employee while he is under suspension or committed to prison.
- NOTE 1. – This regulation does not prevent the grant of leave to a Board employee on the termination of the period of his suspension or the proceeding in connection with which he was committed to prison, of leave for the period of his suspension or committed to prison.
- NOTE 2. – In the exigency of public service, vacancy caused on account of suspension of a Board employee or of his committal to prison for debt or on criminal charge may be filled by an officiating appointment. It is, however, not necessary to create an extra post.
84. An officer under suspension is regarded as subject to all other conditions of service applicable generally to Board employees and cannot leave the station without prior permission. As such, the headquarters of a Board employee should normally be his last place of duty. However, where an individual under suspension requests for a change of headquarters there is no objection to competent authority changing the headquarters if it is satisfied that such a course will not put the Board to any extra expenditure like grant of travelling allowance, etc. or other complications.
- Leave during a period of suspension or while in prison
- Change of headquarters during suspension

CHAPTER IX**COMPULSORY RETIREMENT**

85. (1) Except as provided in these regulation, a Board employee other than the Class IV (Group D) service shall retire from service compulsorily with effect from the afternoon of the last day of the month in which he attains the age of fifty-eight years.

Compulsory retirement
of Board employee

Provided that a Board employee other than a member of Class IV (Group D) service whose date of birth is the first of a month shall retire from service with effect from the afternoon of the last day of the preceding month of attaining the age of fifty-eight years.

NOTE 1. - In cases where the Matriculation, High School or Higher Secondary School or Secondary School Certificate does not show the actual date of birth and instead shows the age of the candidate as on the 1st March of the year in which the examination was held in terms of the years and months only excluding days, Executive Chairman may alter the date of birth recorded in the Service Book/Service Rolls to correspond to the actual date of birth if the Board employee concerned is able to produce acceptable documentary evidence in the form of an extract from the Birth Register or Admission Register of the Institution concerned, etc., in support of the actual date of birth claimed by him, and the decision to retire him shall be taken on the basis of such altered date of birth. Where, however, the date of birth of a Board employee has been recorded as the first day of a month on the basis of the Matriculation or Board certificate showing the age as on the 1st March of the year in which the examination was held in terms of years and month only and where it is possible to ascertain the exact date of birth on the basis of any acceptable documentary evidence like extract from the Birth Register or Admission Register of the Institution concerned, etc., it shall be presumed that the actual date of birth of the Board employee was a day other than the first day of the month instead of the last day of the previous month.

NOTE 2. - The grant of leave beyond the date on which a Board employee must compulsorily retired or beyond the date upto which a Board employee has been permitted to remain in service, shall not be treated as sanctioning an extension of service and the Board employee shall not be permitted to retain a lien on his permanent post or any other post during the period of such leave.

NOTE 3. - The purpose of Rule 85 and Reg. 86 is not to confer upon a Board employee any right to be retained in service upto a particular age, but to prescribe the age beyond which he may not be retained in service.

(2) Notwithstanding anything contained in these regulations, the appropriate authority shall, if it is of the opinion that it is in public interest so to do, have the absolute right to retire any Board employee by giving him notice of not less than three months in writing or three months' pay and allowances in lieu of such notice after he has attained fifty years of age or has completed twenty-five (25) years of service, whichever is earlier.

NOTE 1. – (i) If on a review of the case either on a representation from the Board employee retired prematurely or otherwise, it is decided to reinstate the Board employee in service, the authority ordering reinstatement may regulate the intervening period between the date of premature retirement and the date of reinstatement by the grant of leave, or by treating it as dies non depending upon the facts and circumstances of the case.

Provided that the intervening period shall be treated as period spent on duty for all purposes including pay and allowances, if it is specifically held by the authority ordering reinstatement that the premature retirement was itself not justified in the circumstances of the case, or if the order of premature retirement is set aside by the Court of Law.

(ii) Where the order of premature retirement is set aside by the Court of Law with specific directions in regard to regulation of the period between the date of premature retirement and the date of reinstatement and no further appeal is proposed to be filed, the aforesaid period shall be regulated in accordance with the directions of the Court.

NOTE 2.- The competent authority for drawal of advance pay and allowances in respect of a Board employee to whom three months pay is to be made in lieu of three months' notice on being compulsorily retired as envisaged in Reg. 84 (2) shall be the Executive Chairman. Any outstanding Board's dues in respect of the officer shall be adjusted against this advance of pay and allowances and from his gratuity as and when sanctioned.

NOTE 3.- In case the appointing authority decides to retire a Board employee prematurely with immediate effect the payment of pay and allowances in lieu of the notice period shall be made to the Board employee concerned simultaneously with the order of retirement. For the purpose "pay" so allowed would be the pay he would have drawn had he not continued in the post for the next three months.

NOTE 4. – The term "appropriate authority" referred to in this regulation means the authority which has the power to make substantive appointment to the post or service from which the Board employee is required to retire.

(3) Any Board employee may, by giving notice of not less than three months in writing to the appropriate authority retire from the Board service after he has attained the age of fifty years or has completed twenty five (25) years of

service whichever is earlier.

Provided that:

- (a) It shall be open to the appropriate authority to withhold permission to a Board employee under suspension who seeks to retire under this sub-reg.
- (b) A Board employee may make a request in writing to the appointing authority to accept notice of less than three months giving reasons thereof :-
- (c) On receipt of a request under Clause (b), the appointing authority may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority may relax the requirement of notice of three months on the condition that the Board employee shall not apply for communication of a part of his pension before the expiry of the period of notice of three months.
- (d) A Board employee, who has elected to retire under sub-reg. and has given the necessary intimation to that effect to the appointing authority, shall be precluded from withdrawing his election of such subsequently, except with the specific approval of such authority. Provided that the request for withdrawal shall be within the intended date of his retirement.

NOTE 1. -The computing three months notice period, the date of service of the notice and the date of its expiry shall be excluded.

NOTE 2. - The three months' notice referred to in sub-reg (3) above, may be given before the Board employee attains the age specified in the said sub-reg, providing that the retirement takes place after the Board employee has attained the specific age.

NOTE 3. -The appointing authority should invariably keep on record that in his opinion it is necessary to retire the Board employee concerned in pursuance of the aforesaid rule in public interest.

(4) A Board employee may be granted extension of service after he attains the age of fifty-eight years with the sanction of the specified authority if such extension is in public interest and the grounds are recorded in writing:

Provided that no extension under this sub-regulation shall be granted beyond the age of sixty years except in very special circumstances.

Provided further that the appropriate authority shall have the right to terminate the extension of service before the expiry of such extension by giving a notice in writing of not less than three months in the case of a permanent Board employee, or, one month in the case of a temporary Board employee, or pay and allowances in lieu of such notice.

86. Subject to the provision of sub-reg. (b) a Board employee in Class IV (Group D) service shall ordinarily be required by the appointing authority to retire from

Compulsory retirement
for class IV (Group D)
service / employees

service with effect from the afternoon of the last day of the month in which he attains the age of fifty eight years:

Provided that a Board employee in Class IV service whose date of birth is the first of a month shall retire from service with effect from the afternoon of the last day of the preceding month of attaining the age of fifty eight years.

87. When a Board employee is required to retire, revert or cease to be on leave on attaining the specified age, the date on which he attains that age shall be reckoned as a non-working day, and the Board employee shall retire, revert or cease to be on leave, as the case may be, with effect from and including that day.

NOTE – A question has been raised regarding the procedure to be followed for relinquishment of charge of office in the case of a retiring Board employee when the day on which he is due to retire from service with effect from the afternoon of the last day of the month in which his date of retirement falls, the retiring Board employee should formally relinquish charge of office on the afternoon of that day itself even if it happens to be a closed holiday.

In case in which handing over of cash, stores, etc., is involved, these may be made over by the retiring officer (to the relieving officer or, in the absence of the relieving officer, to the next junior officer present) on the close of the previous working day. Therefore, the actual relinquishment of charge of officer shall be made in the prescribed form on the last day of service for which the physical presence of the officer in the office need not be insisted upon.

88. The date on which a Board employee attains the age of fifty-eight or sixty years, as the case may be, shall be determined with reference to the date of birth declared by the Board employee concerned at the time of appointment and accepted by the appropriate authority on the production, possible, of confirmatory documentary evidence such as the High School or Secondary School or Higher Secondary School Certificate or extracts from Birth Register. The date of birth so declared by the Board employee and accepted by the appropriate authority shall not be subject to any alteration except as specified in this regulation. An alteration of date of the appointing authority under which the Board employee is serving, if –

- (a) a request in this regard is made within five years of his entry into the Board service;
- (b) it is clearly established that a genuine bona fide mistake has occurred; and,
- (c) the date of birth so altered would not make him ineligible to appear in any School Board or University examination in which he had appeared, or for entry into Board service on the date on which he first appeared at such examination or on the date on which he entered Board service.

89. Notwithstanding anything contained in the foregoing regulations in any rules of recruitment, the Board may re-employ or appoint any person on his attaining the age of superannuation or after he has attained such age to any State Government not inferior to the post in which he is re-employed or to which he is appointed, provided that he shall not earn any pension for the period of such re-employment or appointment.

Calculation of the date of retirement

Relinquishment of charge on a holiday

Alteration of date of birth

Re-employment of Board / Govt. employees

CHAPTER X**JOINING TIME**

90. (1) When a Board employee is transferred to the control of another Government or Organization which has made separate rules prescribing the amount of joining time, his joining time for the journey to join his new post under the Government/organization and for the return journey, will be governed by these regulations, unless different provisions are expressly made in the terms and conditions of deputation/foreign service by mutual agreement between the lending and borrowing authorities.

Joining time

(2) The joining time of the employees of the State Government or any other State/Central Governments or organizations, who are appointed to posts or services under the Board on deputation or on foreign service basis, shall, for joining the services/posts under the Board and for return journey, shall be regulated in accordance with these regulations, unless different provisions are expressly made in their respective terms of deputation/foreign service by agreement between the lending and the borrowing authorities.

(3) Joining time shall be granted to a Board employee on transfer in public interest to enable him to join the new post either at the same or a new station. No joining time is admissible in case of temporary transfer for a period not exceeding 180 days. Only the actual transit time, as admissible in case of journey on tour may be allowed.

(4) Board employees who are discharged due to reduction of establishment from one office and re-appointed to another office under the Board shall be entitled to joining time if the orders of appointment to the new post are received by them while working in the old post. If they are appointed to the new post after being discharged from the old posts, the period of break does not exceed 30 days and the Board employee has rendered not less than three years continuous service on the date of discharge.

(5) For appointment to posts under the Board on the results of a competitive examination and/or interview open to Board employees and others. Board employees and permanent State/Central Government employees will be entitled to joining time under these regulations

91. (1) The joining time shall commence from the date of relinquishment of charge of the old post if the charge is made over in the forenoon or the following date if the charge is made over in the afternoon.

Commencement of
joining time

(2) The joining time shall be calculated from old headquarters in all cases including where a Board employee receives his transfer order or makes over charge of the old post in a place other than his old headquarters, or where the headquarters of a Board employee while on tour is changed to the tour station itself or where his temporary transfer is converted into permanent transfer.

(3) Not more than one day's joining time shall be allowed to a Board employee to join a new post within the same station or which does not involve a change of residence from one station to another. For this purpose, the term "same station" will be interpreted to mean the area falling within the jurisdiction of the municipality including such sub-urban municipalities, notified areas or cantonments as are contiguous to the named municipality, etc.

(4) In cases involving transfer from one station to another and also involving of residence, the Board employee shall be allowed joining time with reference to the distance between the old headquarters and the new headquarter by direct route and ordinary modes(s) of travel as indicated in the following schedule. When holiday(s) follows(s) joining time, the normal joining time may deemed to have been extended to cover such holiday(s):

Distance between the old headquarters and the new headquarters	Joining time admissible	Joining time admissible where the transfer necessarily involves continuous travel by road for more than 200 Kms.
(1)	(2)	(3)

(a) 1,000 Kms or less	10 days	12 days
(b) More than 1,000 Kms	12 days	15 days
(c) More than 2,000 Kms	13 days except in cases of travel by air for which the maximum will be 12 days.	15 days

NOTE: Distance means actual distance and not weighted mileage for which fare is charged by the Railways in certain ghat/hill stations.

(5) Extension of joining time beyond the limit indicated in sub-reg (1) can be granted beyond 30 days by the Executive Chairman, the guiding principle being that the total period of joining time should be approximately equal to 8 days for preparation plus reasonable time plus holidays, if any, following the extended joining time. While computing the transit time, allowance could be made for the time unavoidably spent due to disruption of transport arrangements caused by strike or natural calamities of the period spent which ordinary mode of travelling cannot be used or the Board employee has fallen ill on his journey.

92. (1) When a Board employee joins the new post without availing of the full joining time, the number of days of joining time, as admissible in sub-reg. (4) of Reg. 90 subject to the maximum of 15 days, reduced by the number of days actually availed of shall be credited to his Leave account as earned leave.

(2) Joining time may be contained with vacation and/or regulated leave of any kind or duration except casual leave.

(3) If a Board employee in transit on transfer is directed to proceed to a place different from that indicated in the initial transfer orders, he shall be entitled to joining time already availed of upto the date of receipt of revised orders plus fresh spell of full joining time from the date following the date of receipt of the revised orders. The fresh spell of joining time in such cases shall be calculated from the place at which he receive revised orders as if he is transferred from that place.

93. If a Board employee takes leave while in transit from one post to another, the period which has elapsed since he handed over charge of his old post must be included in his leave. On the expiry of the leave, the Board employee may, however, be allowed normal joining time.

When leave intervenes

Provided in cases where leave on medical grounds is taken after availing of normal joining time, the split up of the spell of absence allowing joining time first and leave afterwards may be allowed to stand.

94. If a Board employee is authorized to make over charge of his post elsewhere than at its headquarters, his joining time shall be calculated at the place at which he makes over charge.

Making over charge
away from
headquarters

95. If a Board employee is appointed to a new post while in transit from one post to another, his joining time begins on the day following that on which he receives the order of appointment.

Joining time to join new
post

96. (1) A Board employee on transfer during a vacation may be permitted to join at the end of the vacation, although the joining time ordinarily admissible is thereby exceeded.

On transfer during
a vacation

(2) When holiday(s) follow(s) joining time, the normal joining time may be deemed to have been extended to cover such holiday.

97. If a Board employee is appointed to a new post while on leave of not more than four months' duration, his joining time will be calculated from his old station or from the place in which he received the order of appointment, whichever calculation will entitle him to the less joining time. If, however, such a Board employee actually performs his journey to the old headquarters for winding up his personal affairs, etc., his joining time will be calculated from the old headquarters irrespective of the place where he spends leave or receive posting order.

98. By whatever route a Board employee actually travels, his joining time shall, unless the competent authority, for special reasons otherwise orders, be calculated by the route which travellers ordinarily use.

Route for calculation
of joining time

99. A Board employee who does not join his post within his joining time is entitled to no pay or leave salary after the end of the joining time. Wilful absence from the duty after the expiry of the joining time may be treated as misbehaviour for the purpose of Reg 27.

Penalty for
exceeding
joining time

100. A Board employee on joining time shall be regarded as on duty during that period and shall be entitled to be paid joining time pay equal to the pay which was drawn before relinquishment of charge in the old post. He will also be entitled to dearness allowance, if any, appropriate to the joining time pay. In addition, he can also draw compensatory allowances, i.e., Hill/City compensatory allowance; House rent allowance, etc., as applicable to the old station from which he was transferred. He shall not be allowed conveyance allowance or permanent travelling allowance.

Joining time pay

101. When the service of a person in employment other than the Board is required for a temporary purpose, such person is not ordinarily entitled either to joining time or to pay until he actually takes up his appointment under the Board:

Non-Government /
Board employee on
temporary appointment
under the Board

Provided, however, that the appointment of such person is made in the public interest and the Board is satisfied that he loses the emoluments of his private employment during the periods required either to join his appointments under the Board or to return there from to his private employment, not exceeding the amount admissible to a Board employee under Reg. 91(4), as the Board thinks fit, and during such joining time his pay be granted at such rate as the Board may determine, not exceeding his pay while in Board employment or the emoluments (Pay or leave salary, as the case may be) which he last drew in his private employment whichever is less.

102. In the case of transfer of a Board employee at his own request, there is no objection to his being granted regular leave as admissible by the competent authority under the leave rules applicable to him to cover the period between the date of handing over charge at the old station and that of taking over charge at another, if the Board employee applies for it and the competent authority is willing to sanction it.

On joining time in
case of transfer on
request

CHAPTER XI**FOREIGN SERVICE**

103. No Board employee may be transferred to Foreign Service against his will:

Conditions of transfer
on Foreign Service

Provided that the consent of a Board employee shall not be necessary to his transfer to the service of a body, incorporated or not, which is wholly or substantially owned or controlled by the Board or by the State Government or Government of India.

NOTE -- The following orders shall govern the pay, the amount of joining time and joining time pay admissible in the case of officers transferred to foreign service:-

- (i) When the transfer of a Board employee to Foreign Service is sanctioned, the pay which he shall receive in such service must be precisely specified in the order sanctioning the transfer. If it is intended that he shall receive any remuneration or enjoy any concession of pecuniary value, in addition to his pay proper, the exact nature of such remuneration or concession must be similarly specified. No Board employee will be permitted to receive any remuneration or enjoy any concession which is/are not specified and if the order is silent as to any particular remuneration or concession, it must be assumed that the intention is that it shall be enjoyed.
- (ii) The following general principles must be observed in sanctioning the conditions of transfer:-
 - (a) The terms granted to the Board employee will not be such as to impose an unnecessary heavy burden on the foreign employer.
 - (b) The terms granted will not be so greatly in excess of the remuneration which the Board employee would receive in Board service as to render foreign service appreciably more than Board service.
- (iii) Provided that the above two principles laid down are observed, the Board may sanction after prior consultation with the foreign employer the grant of the following concessions as a matter of course, but in those cases only which the Board considers that circumstances justify their grant :-
 - (a) The payment of contribution towards leave salary and pension under the ordinary rules or regulations regulating such contributions:
 - (b) The grant of travelling allowance under the ordinary regulation of the Board or under the rules, if any, of the foreign employer and permanent travelling allowance, conveyance allowance, etc.
 - (c) The use of transport, etc., owned or hired by the foreign employer on tour.

- (d) the grant of free accommodation, if any, which may be furnished in cases in which the Board consider this to be desirable, on such as may be considered proper; and
- (e) The grant of any concession not specified above as may be considered necessary and reasonable by the Board in consultation with the foreign employer.

104. A transfer to Foreign Service is not permissible unless—

- (a) The duties to be performed after the transfer are such as should, for public reasons, be rendered by a Board employee; and
- (b) The Board employee transferred holds at the time of transfer, a post paid from the revenue of the Board or holds a lien on such post had his lien not been suspended.

NOTE – The transfer on Foreign Service of a temporary Board employee is permissible.

105. If a Board employee is transferred to Foreign Service while on leave, he ceases, from the date of such transfer, to be on leave and to draw leave salary.

106. (1) A Board employee transferred to foreign service shall remain in the cadres or service in which he was included in a substantive or officiating capacity immediately before his transfer, and may be given such substantive or officiating promotion in those cadres or service as the authority competent to order promotion may decide. In given promotion, such authority shall take into account:

- (a) The nature of the work performed in Foreign Service; and
- (b) The promotion given to junior in the cadre or service in which the question of promotion arises.

(2) Nothing in this regulation shall prevent a member of subordinate services from receiving such other promotion in Board service as the authority who would have been competent to grant the promotion had he remained in Board service, may decide.

107. A Board employee in foreign service will draw pay from the foreign employer from the date on which he relinquishes charge of his post on Board service. The amount of his pay, the amount of joining time admissible to him and his pay during such joining time will be fixed by the authority sanctioning the transfer in consultation with the foreign employer.

Employee on
Foreign Service
draws pay from
foreign employer

NOTE1- If the transfer is in the public interest, during the period of deputation the official will have the option whether to get his pay fixed in the deputation post under the operation of the normal rules or draw pay of the post held by him in his parent employer/ department plus deputation (duty) allowance at the rate(s) and conditions laid down by the Board. If transfer is not in the public interest, during the period of deputation he will be entitled to pay under the operation of normal rules or regulations.

NOTE 2 – No Board employee shall be transferred to foreign service unless the foreign employer undertakes to afford to him at the employer's own expense privileges as regards medical attendance not inferior to those he would have enjoyed if he had been employed in the service of the Board or reimburse the cost incurred by the Board for the provision of such privileges.

NOTE 3 – Foreign employer should in the case of Board employees transferred to foreign service, accept liability for leave salary in respect of a disability incurred in and through foreign service, even though such disability manifest itself after the termination of foreign service. The Leave salary charges for such leave should be recovered direct from the foreign employer, a condition to this effect being inserted in the terms of transfer to foreign service.

108. (1) While a Board employee is in the foreign service, contribution must be paid to the Board -

Leave and Pension
Contributions

- (i) Towards the cost of his pension; and
- (ii) Towards the cost of leave salary.

NOTE - The foreign employer shall maintain a Leave account of the Board employee concerned. An extract of the leave account can be supplied to him by the office/ department. The foreign employee shall determine the leave admissible to the Board employee concerned and sanction it under intimation to the Board. The foreign employer will then make payment of the leave salary to the officer concerned. Thereafter, he may claim half-yearly reimbursement of leave salary so paid from the Board. For this purpose he may submit his claim duly supported with the details of the official on foreign service, nature and period of leave sanctioned, rate of leave salary and the amount of the leave salary paid to the Board. The half-yearly reimbursement as indicated above may be in respect of the period from 1st April to 30th September and from 1st October to 31st March. The Board shall verify the claims preferred by the foreign employer and arrange to reimburse the amount through Bank Draft/ Cheque, as the case may be, in favour of the foreign employer within a month of the receipt of the scale.

- (2) Contribution due under clauses (i) and (ii) of sub-reg. (1) shall be paid by the Board employee himself, unless the foreign employer agrees to pay them, but the same shall not be payable during leave taken while in foreign service.

NOTE 1 – In all cases of transfer to foreign service in which the liability for making contributions on account of pensions/C.P. Fund and leave salary rests on the transferee. It shall be necessary to secure a letter from the transferee, addressed to the foreign employer to

pay to the Board from his salary a specific monthly sum which would be based on the foreign service contributions which the employee himself has to pay. The issue of such a letter would enable the foreign employer lawfully to effect the necessary deduction from the Board employee's salary and remit it to the Board. A provision to this effect may be incorporated in all cases of foreign service where the transferee is himself liable for payment of foreign service contributions. The contributions shall be remitted by means of Bank drafts/ cheques.

NOTE 2 – Pensions throughout this chapter, includes Board contributions, if any, payable to the Board employee's credit in a Provident Fund.

109. A copy of the orders sanctioning a Board employee's transfer to foreign service must always be communicated to the Accounts Officer. Also, the Board employee himself should, without delay –
- (i) report to the Board the time and date of all transfer of charges to which he is a party when proceeding on, while in, and on return from, foreign service; and
 - (ii) furnish from time to time particulars regarding his pay in foreign service, leave taken by him, his postal address and any other information which may be required by the office.

110. (1) The rate of contributions payable on account of pensions and leave salary shall be such as the Board may by general order prescribe.
 (2) The rates of pension contribution prescribed under Reg 109 (1) will be designed to secure to the Board employee the pension that he would have earned by service under the Board if he had not been transferred to foreign service, and leave salary on the scale and under the conditions applicable to him.

NOTE 1– The rates of contributions on account of pension and leave salary in respect of the Central Services, Officers shall be as prescribed by the Government of India under Reg 117 and 118 in Appendix 2 of the Central F.Rs & S.Rs. in so far as the Meghalaya State Government offices are concerned, the rates as prescribed in Appendix 8 under F.R 71 of the Meghalaya F.Rs & S.Rs. shall apply

NOTE 2– The expression “length of service” in the central and state Rules referred to in NOTE 1 above means the total period running from the date from which service for pension commences or is likely to commence.

111. Contribution for leave salary or pension, due in respect of the Board employee in foreign service, may be paid annually within fifteen days from the end of each financial year or at the end of foreign service, if the deputation on foreign service expires before the end of a financial year, and if the payment is not made within the said period, interest must be paid to the Board on the unpaid contributions, unless specially exempted by the Board, at the rate of two paise per day per Rs. 100 from the rate of

Rates of contributions
on account of Pension/
Leave Salary

Levy of interest
on overdue
contributions

expiry of the period aforesaid upto the date on which the contribution is/are finally paid. The interest shall be paid by the Board employee or the foreign employer according as the contribution is paid by the former or the latter.

112. A Board employee to Foreign Service may not elect to withhold Contributions and to forfeit the right to count as duty in Board service the time spent in foreign employment. The contributions paid on his behalf maintains his claim to pension and leave salary, as the case may be, in accordance with the regulation of the service of which he is a member. Neither he nor the foreign employer has any right of property in contributions paid, and no claim for refund can be entertained.

No option to elect withholding of contribution

113. A Board employee transferred to foreign service may not, without the Sanction of the Board, accept a pension or gratuity from his foreign employer in respect of such service.

No pension & gratuity from foreign employer

114. A Board employee in foreign service may not be granted leave otherwise than in accordance with the regulation or conditions as the rules may be applicable to him as the Board employee, and may not take leave or leave salary from the Board unless he actually quits duty and goes on leave.

Leave in foreign service

NOTE – A Board employee on foreign service is personally responsible for the observance of the rules or regulation regarding taking of leave and receiving leave salary as contained in this regulation. If he accepts to which he is not entitled under this regulation, he renders himself liable to refund leave salary irregularly drawn, and in the event of his refusing to refund, to forfeit his previous service under the Board in respect of either pension or leave salary.

(*) **NOTE** – The Board may remit the contributions due in any specified case or class of cases.

115. A Board employee in foreign service, if appointed to officiate in a post in Board service will draw pay calculated on the pay of the post in Board service on which he holds a lien or would hold a lien had his lien not been suspended and that of the post in which he officiates. His pay in foreign service will not be taken into account in fixing his pay.

On officiating appointment in a post under the Board

116. A Board employee reverts from Foreign Service to Board service on the date on which he takes charge of his post in Board service; provided that, if he takes leave on the conclusion of his foreign service before rejoining his post, his reversion shall take effect from such date as the Board on whose establishment he is borne may decide.

Reversion from foreign service

NOTE – If a Board employee proceeds on leave from the foreign service appointment, he shall not ordinarily be considered to have reverted to Board service until he rejoins his post under the Board.

117. When a Board employee reverts from foreign service to Board service, his pay will cease to be paid by the foreign employer, and his contribution will be discontinued, with effect from the date of reversion.

118. The travelling allowance of the Board employee both when proceeding of transfer to foreign service and when reverting to duty under the Board shall be borne by the foreign employer.

119. When an addition is made to a regular establishment on the condition that its cost, or a definite portion of its cost shall be recovered from the persons for whose benefit the additional establishment is created. Recoveries shall be made under the following regulations:-

(a) The amount to be recovered shall be the gross sanctioned cost of the service or of the portion of the service, as the case may be, and shall not vary with the actual expenditure of any month.

(b) The cost of the service shall include contributions at the rates laid down in Regulation 110 and the contribution shall be calculated on the sanctioned rates of pay of the members of the establishment.

(c) The Board may reduce the amount of recoveries or may entirely remit or forgo them.

NOTE -

The words "its cost" of Reg. 119 refers to an "addition" of that regulation. The underlying intention of the regulation is to recover the cost of an additional establishment sanctioned. Contributions for leave salary and pension leviable under clause (b) of the regulation should, therefore, be based on the rates of pay, old and/or revised, as the case may be, on which that establishment is actually sanctioned, irrespective of whether the person employed on the work for which it is sanctioned is an old or new entrant.

When an addition is made to permanent staff

Chapter XII

LEAVE

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| <p>120. Unless in any case it be expressly provided, these regulations shall apply to Board employees appointed to Board service and post in connection with the affairs of the Meghalaya Board of School Education, but shall not apply to-</p> <ul style="list-style-type: none"> a) Persons in casual or daily rated or part-time employment; b) Persons paid from office expenses/contingencies; c) Persons employed in work-charged establishment; d) Persons employed on contract except when the contract provides Otherwise; e) Members of All India Services; f) Members of State Government Service; g) Persons in respect of whom special provisions have been made by or under the provisions of law for the time being in force; and h) Persons serving in the State/Central Government on deputation or any other authorities for a limited period. | <p>Extent of application</p> |
| <p>121. In these rules unless the context otherwise requires -</p> <ul style="list-style-type: none"> (i) "Commutated leave" means the leave under Regulation 154. (ii) "Completed years of service" or "one year's continuous Service" means continuous service of specified duration under the board and includes the period spent on duty as well as on leave including extra-ordinary leave. (iii) "Date of retirement" or "Date of his Retirement" in relation to a Board employee means the afternoon of the last date of the month in which the Board employee attains the age prescribed for retirement under the terms and conditions governing his service. (iv) "Earned leave" means the leave earned under Regulation 153. (v) "Earned leave due" means the amount of earned leave to the credit of a Board employee plus the amount of earned leave calculated as prescribed in Regulation 152, as the case may be diminished by the amount of earned leave taken. (vi) "Half Pay leave" means leave earned in respect of completed years of service under Regulation 153. (vii) "Half pay leave due" means the amount of half-pay leave calculated as prescribed under Regulation for the entire service diminished by the amount of half-pay leave including the amount of commuted leave taken. (viii) "Leave" includes earned leave, half-pay leave, commuted leave, leave not due and extra-ordinary leave. | <p>Definition</p> |

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| 122. | Board employee to whom these regulations apply shall continue to be governed by these regulations while on deputation or on Foreign Service. A portion of the leave charges or contribution shall, however, be borne by borrowing authorities. | Board employees on foreign service or deputation |
| 123. | <p>(1) If a Board employee, who quits the public service on compensation or invalid pension or gratuity, re-employed and if he is there upon refunded or his pension held wholly in abeyance, his past service thereby becoming pensionable on ultimate retirement, he may, at the discretion of the authority sanctioning the re-employment and to such extent as that authority may decide, count his former service towards leave.</p> <p>(2) A Board employee who is dismissed or removed from the public service, but is reinstated on appeal or revision, is entitled to count his former service for leave.</p> <p>(3) Except as provided in this regulation and rule any claim to leave at the credit of the Board employee who is dismissed or removed or who resigns from Board service, ceases from the date of such dismissal or removal or resignation.</p> | Counting of former service on re-employment |
| 124. | In the case of a person re-employed after retirement, the provisions of these regulations in this chapter shall apply. as if, he had entered Board service for the first time on the date of re-employment. | Persons re-employed after retirement |
| 125. | Leave admissible under these regulations may be granted by the authority competent to fill up the post(s) substantively, or subject to any further conditions which the Board think fit to impose, by the authority empowered in this behalf by the Board. | Leave sanctioning authority |

NOTE 1 - An authorisation to grant leave under regulations includes the power to grant leave in combination with Sundays, holidays and vacations, and subject to any conditions imposed or provision to the contrary in any case, to make consequent acting arrangements.

NOTE 2 - Authorities empowered to grant leave shall continue to do so to the extent covered by the existing general or special orders, as the case may be.

NOTE 3 - The intention underlying Note 1 is that when the day immediately following the day on which a Board employee's leave expires is a Sunday or holiday or one of the series of holidays, the Board employee may be allowed to prefix or affix such Sunday or holiday(s), subject to the condition that he was otherwise fit to resume his duties before commencement or on expiry of his leave, as the case may be, but for Sunday or holiday(s). No pre-fixation or affixation should be allowed unless the aforesaid condition is fulfilled.

126. (1) Leave cannot be claimed as of right. When the exigencies of the public service so require, leave of any kind may be refused or revoked by the authority competent to grant it, but it cannot alter the kind of leave due and applied for except at the written request of the Board employee.
- (2) A Board employee's claim to leave is regulated by the regulations in force at the time the leave is applied for and granted.
- Leave cannot be claimed as of right

NOTE 1 – An authority competent to grant leave may refuse to grant the full amount of leave applied for in any case and should, by the exercise of this power, so regulate the date of Board employee's return from leave as to cause as little change as possible in administrative arrangements.

NOTE 2- Leave of any description should not be granted to an extent which would unduly deplete the strength of a service or department available for active duty. Consequently, when the duty strength has been reduced to a point which in the opinion of the leave sanctioning authority is for the time being an essential minimum, no further leave of any description will be given save in case of the most absolute necessity, such as sickness or most urgent private affairs, until the strength available for duty has increased. In applying this principle, special consideration may be given to the case of Board employees who applied for leave, for as they can be readily recalled if necessary.

NOTE 3 – Application for leave by Board employees likely to revert from higher pay should always be scrutinized with special care, and the leave should be granted only when very cogent reasons are adduced. It is not the intension of the Board, however, that leave in ordinary circumstances should be granted more sparingly, the general principle being that a Board employee need not be debarred from taking the leave which he had earned at such times and for such periods as may suit the exigencies of the public service.

127. Except as provided in Reg. 128 leave ordinarily begins on the day on which the transfer of charge is effected and ends on the day preceding that on which the charge is resumed.
- Date of beginning and end of leave
128. (1) When the day immediately preceding the day on which a Board employee's leave begin or immediately following the day on which his leave or joining time expires, is a holiday or one of a series of holidays, the Board employee may be permitted to leave his station at the close of the day before or return to it on the day following such holiday or series of holidays:
- Combination of holidays with leave and joining time

Provided that –

- (a) His transfer or assumption of charge does not involve the handling or taking over of securities or of money other than the permanent advance:
 - (b) His early departure does not entail a corresponding early transfer from another station of a Board employee to perform his duties and
 - (c) The delay in his return does not involve a corresponding delay in the transfer to another station of the Board employee who has been performing his duties during his absence or in the discharge from the Board service of a person temporarily appointed to it.
- (2) On condition that the departing Board employee remains responsible for the money in his charge, the competent authority may, in any particular case, waive the application of Clause (a) of the provision to Reg. (1)
- (3) Unless the authority competent to grant leave in any case otherwise directs –
- (a) If holidays are prefixed to leave, the leave and any consequent re-arrangement of pay and allowances take effect from the day after the holiday(s) ; and
 - (b) If holidays are suffixed to leave or joining time, the leave or joining time is treated as having been terminated and any consequent re-arrangement of pay and allowances will take effect from the day on which the leave or joining time would have ended if holidays had not been suffixed; and
 - (c) Prefixing and suffixing holiday(s) to leave, other than leave on medical certificate, shall be allowed automatically except in cases where for administrative reasons permission for prefixing/ suffixing holiday(s) to leave is specifically withheld. In the case of leave on medical certificate if the day on which an employee is certified medically fit for rejoining duty happens to be a holiday(s) his medical leave and such holiday(s) shall not be counted as leave.

NOTE 1 - Restricted holiday can be prefixed or suffixed to regular leave or casual leave.

NOTE 2 - Any Saturday on which office remains closed can be prefixed or suffixed under Reg. 128

NOTE 3 - The term “allowances” used in the regulation includes compensatory allowances. The certificate of likelihood or return to the station from which an offer proceeds on leave need not be specifically asked for also during the period of

holiday(s) which have been allowed to be affixed/ suffixed. Similarly, if a certificate is available to the effect that the Board employee or his family or both resided for the period of leave at the station from which he proceeded on leave, it should be sufficient for the purpose of holiday(s) also prefixed or suffixed to leave. A specific certificate covering the period of holiday(s) also need not be insisted upon.

NOTE 4 - A question has arisen about the matter in which holiday(s) may be prefixed to leave on medical certificates. It has been decided that holidays may be allowed to be prefixed as under:-

- i. When the medical certificate is issued on the day immediately preceding the holidays or when the medical certificate is issued during the holidays, the holidays may be treated as part of the leave and not allowed to be prefixed; and
- ii. When the medical certificate is issued on the day leave is to commence, the holidays may be allowed to be prefixed at the request of the Board employee concerned.

129. In case a Board employee is recalled to duty before the expiry of his leave, such recall to duty shall be treated as compulsory in all cases and the Board employee shall be entitled –

Recall from leave

(a) If the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw:

- i) Travelling allowance under regulation as admissible, and
- ii) Leave salary, until he joins the post, at the same rate at which he would have drawn if but for recall from duty;

(b) If the leave from which he is recalled is out of India, to count the time spent on the journey back as duty for the purpose of calculating leave and to receive-

- i) Leave salary, during the return journey to India and for the period from the date of landing in India to the date of joining his post at the same rate at which he would have drawn it but for recall to duty.
- ii) A free passage to India
- iii) Refund of his passage from India if he has not completed half the period of his leave by the date of leaving for India on recall or three months, whichever is shorter;
- iv) Travelling allowance, under the regulation for the time being in force, for travel from the place of landing in India to place of duty.

NOTE 1 - If a Board employee is transferred to foreign service while on leave, he ceases to be on leave from the date of his transfer.

NOTE 2 - If a Board employee does not avail the full joining time, the short period taken should be considered as leave not enjoyed and corresponding portion of leave account suitably modified.

130. No Board employee who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness in the prescribed form. Any Board employee, who has been granted leave or extension of leave for reasons of health, even though such leave or extension was not actually granted on medical certificates, may, at the discretion of the authority under which the Board employee will be employed on return from leave, be required to produce a similar certificate of fitness before being permitted to return to duty. Certificate of fitness to return to duty
131. (1) Unless he is permitted to do so by the authority which granted his leave, a Board employee on leave may not return to duty before the expiry of the period of leave granted to him. Return from leave before due date

(2) A Board employee returning from leave is not entitled, in the absence of specific orders to that effect, to resume as a matter of course, the particular post which he vacated before his leave. He must report his return to duty and await orders.

NOTE - A Board employee who has been suffering from tuberculosis, cancer or leprosy, may be allowed to resume duty on the basis of fitness certificate which recommends light works for him.

132. The provision of Reg. 31 shall apply in case of absence after expiry of leave. Absence after expiry of leave
133. The authority which granted the leave may sanction retrospectively short extension of leave up to a maximum period of fourteen days to a Board employee in case he overstays his leave, provided that he is satisfied either – Short extensions in case of overstays
- (a) that the overstay was due to circumstances beyond the Board employee's control;
 - (b) that the overstay was due to administrative convenience.

134. Except as otherwise provided in these rules, any kind of leave under these regulations may be granted in combination with or in continuation of any other kind of leave. Combination of different kinds of leave

NOTE1: Casual leave, which is treated as duty and is not recognized as leave under these rules shall not be combined with other kind of leave admissible under these regulations.

NOTE 2: Special casual leave – As a general rule it is open to the competent authority to grant casual leave in combination with special casual leave, but in cases where it is permissible to grant regular leave in combination with special casual leave, casual leave should not be granted in combination with both special casual leave and regular leave.

NOTE 3 - Combining half-a-day's casual leave – Regarding the question as to how half-a-day's casual leave availed by a Board employee in the afternoon is to be treated if the said employee has no casual leave in his credit but he is unable to resume his duty on the next working day due to sickness or other compelling grounds and has to avail of regular leave to cover his absence for that working day, such Board employee, as an exception to the general regulation, be permitted to combine half-a-day's casual leave with regular leave. Those who have only half-a-day's casual leave at their credit and who will not attend office on the next working day (having already applied for leave of the kind due and admissible to cover their absence on that working day or subsequent days, if any), shall not be allowed the last half-a-day's casual leave for the afternoon.

NOTE 4 - There is no objection to the grant of leave in the order – earned leave, extra-ordinary leave and then half-pay leave.

NOTE 5 - Quarantine leave may be granted in combination of the other leave.

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| <p>135. (1) Except as provided in this regulation, any claim to leave to the Credit of the Board employee, who is dismissed or removed or who resigns from Board service, ceases from the date of such dismissal or removal or resignation.</p> <p>(2) If a Board employee applies for another posts under the Board but outside his parent office or department and is required to resign his post before taking up the new one, the leave at his credit shall not lapse provided the Board employee has forwarded the application through proper channel.</p> <p>(3) A Board employee who is dismissed or removed from service and is re-instated on appeal or revision shall be entitled to count for leave his service prior to dismissal or removal as the case may be.</p> <p>(4) A Board employee, who having retired on compensation or invalid pension or gratuity is re-employed and allowed to count his past service for pension, shall be entitled to count his former service towards leave.</p> | <p>Effect of dismissal, removal or resignation on leave at credit</p> |
| <p>136. (1) A Board employee (other than who has been permitted a limited amount of private practice or who has been permitted to undertake casual literary work or service as an examiner or similar employment) while on leave including leave preparatory to retirement shall not take up any service or employment elsewhere, including the setting up of a private professional practice as accountant, consultant, or legal or medical practitioner, without obtaining the previous sanction of the competent authority.</p> <p>(2) No Board employee while on leave shall ordinarily be permitted to take up any other service or employment. If grant of such permission is considered desirable in any exceptional case, the service of the Board employee may be temporarily transferred to the other office or the Board</p> | <p>Acceptance of service or employment while on leave</p> |

employee may be required to resign his appointment before taking up any such service or employment.

NOTE 1 - The leave salary of the Board employee, who is so permitted to take up during leave an employment under any government or under a private employer, shall be restricted to leave salary admissible in respect of leave on half pay. Dearness allowance and any other compensatory allowances will neither be admissible on leave salary nor will the leave salary be taken into account in calculating the allowances admissible on employment during leave.

NOTE 2 - This regulation does not apply where a Board employee has been allowed to take up a limited amount of private practice and receive fees thereof as part of his conditions of service, e.g., where the right of private practice has been granted to a medical officer.

NOTE 3 - It should be construed as permitting a Board employee who avails himself of leave on medical certificate to undertake regular employment during such leave.

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| 137. | <p>(1) At the request of the Board employee, the authority which granted him leave may commute it retrospectively into leave of different kind of leave which was due and admissible to him at the time the leave was granted, but the Board employee cannot claim such commutation as a matter of right.</p> <p><u>Example</u> - A temporary Board employee is/was on extraordinary leave because other kinds of leave is/was not admissible to him. Later on expiry of leave (extra-ordinary leave) he has been made permanent with the retrospective effect. He can ask for the commutation of extra-ordinary leave into leave-not-due.</p> <p>(2) The commutation of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted to the Board employee, that is to say, any amount paid to him in excess shall be recovered of any arrears due to him, shall be paid.</p> | Commutation of one kind of leave to another |
| 138. | A leave account shall be maintained in the prescribed form for each Board employee by Head of office or an officer authorized by the competent authority. | Leave Account |
| 139. | Leave shall not be granted to a Board employee whom, the competent disciplinary authority has decided to dismiss, remove or compulsorily retire from the Board service, in respect of an official under suspension refer Reg. 83. | When leave should not be granted |
| 140. | Medical officers must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Board employee concerned will ever be fit to resume his duties. In such cases, | Grant of certificate by Medical Officer |

the opinion that the Board employee is permanently unfit for Board service should be recorded in the medical certificate.

141. Every certificate of a Medical committee or a Medical officer recommending the grant of leave to a Board employee must contain a proviso that recommendation contained in it shall be evidence of a claim to any leave not admissible to a Board employee under the regulation to which he is subject to.
142. (1) An application by Board employee for leave or for extension of leave on medical certificate must be accompanied by a certificate in the following form from the District Medical & Health Officer/ Authorised Medical Attendant. Such Medical certificate should distinctly state the nature of the illness, its symptoms, probably causes and duration and the period of absence from duty considered to be absolutely necessary for the restoration of the applicant's health. The certificate shall be prepared in duplicate, one copy made over to the Board employee concerned for presentation to the Medical Officer who examines him for fitness for return to duty.
- (2) The authority competent to grant leave may, however, in its discretion accept a certificate from the applicant's medical attendant without such counter signature by the District Medical & Health Officer/ Authorised Medical attendant or accept the counter signature of any female medical practitioner in respect of female Board employee.
- (3) The authority competent to sanction leave may at its discretion call for a second medical opinion. In such cases too, the medical certificate shall be prepared in duplicate and dealt with in the manner laid down above.
- (4) The possession of certificate such as is prescribed in this regulation does not itself confer upon the Board employee, concerned any right to leave.

FORM

(Medical Certificate for Board employees recommended for leave or extension of or commutation of leave)

.....
Signature of applicant

I _____ after careful personal examination of _____ hereby certify that _____ whose signature is given above, is suffering from _____ and I consider that a period of absence from duty of _____ with effect from _____ is absolutely necessary for the restoration of his health.

Date _____
Place _____

Authorised Medical Attendant
or other Registered Medical Practitioner.

- NOTE 1 - The nature and probable duration of the illness should be specified.
- NOTE 2 - The form should be adhered to as closely as possible and should be filled in after the signature of the applicant has been taken. The certifying officer is not at liberty to certify that the applicant requires a change to (or from) a particular locality, or that he is not fit to proceed to a particular place. Such certificates should only be given at the explicit desire of the administrative authority concerned to whom it is open to decide. When an application on such grounds has been made to him, whether the applicant should go before the Medical Board to decide the question of his fitness for service.
- NOTE 3 - The "Authorised Medical Attendant/ Registered Medical practitioner" mentioned in this regulation includes approved Registered Ayurvedic Medical Physician and who are diploma holders also.
- NOTE 4 - Should a second medical opinion be required, the leave sanctioning authority should arrange for the second medical examination to be made at the earliest possible date. The District Medical & Health Officer's opinion or Surgeon Superintendent's opinion both as to the facts of illness and the necessity for the amount of leave applied for should be recorded. He may require the applicant to appear before him or before a Medical Officer nominated by him.

143. No application should be made for a medical certificate to a Medical Officer of Government/ Authorised Medical Attendant of the Board and no certificate should be submitted for his countersignature without the cognisance of the Head of Office in which the applicant is serving. For this purpose the correct procedure is to apply through the Head of the Office.

144. No application for the extension of leave will ordinarily be considered by the Head of Office in which the applicant is serving unless the application is received by him at least one week before the termination of the leave already granted.

145. (1) When the medical authority has reported that there is no reasonable prospect that the Board employee will ever be fit to return to duty, leave shall not necessarily be refused to him. Leave may be granted to him on the following conditions: -

Leave to a Board employee who is unlikely to be fit to return to duty

- (i) If the medical authority is unable to say with certainty that the Board employee concerned will never again be fit for service, leave not exceeding twelve months in all may be granted. Such leave shall not be extended without further reference to the medical authority.

- (ii) If the medical authority declares that the concerned Board employee is permanently unfit and completely incapacitated for further service, leave or extension of leave may be granted to him after the report of the medical authority has been received, provided that the amount of leave as debited to the leave account together with any period of duty beyond the date of the report of the medical authority should not exceed six months.
- (2) A Board employee who is declared by a medical authority to be completely and permanently incapacitated for further service shall –
- i) If he is on duty, be invalidated from the service from the date of relief of his duties, which should be arranged without delay on receipt of the report of the medical authority. If, however, he is granted leave under sub-reg (1), he shall be invalidated from service on the expiry of leave.
 - ii) If he is already on leave, he shall be invalidated from service on the expiry of that leave or extension of leave, if any, granted to him under sub-reg (1).

146. The authority competent to grant leave may, in its discretion waive the production of medical certificate in case of an application for leave for a period not exceeding three days at a time.

Waiving the production of Medical certificate

147. No leave shall be granted to a Board employee beyond
- (a) the date of his retirement on superannuation or
 - (b) the date of his final cessation of duties or
 - (c) the date on which he retires by giving notice to the Board or he is retired by the Board by giving him notice or pay and allowances in lieu of such notice, in accordance with the terms and conditions of his service, or
 - (d) the date of his resignation from service.

No leave beyond date of the retirement or quitting of service

148. (1) A Board employee may be permitted by the authority competent to grant leave preparatory to retirement to the extent of earned leave due not exceeding 300 days together with half-pay leave due, subject to the condition that such leave extends upto and includes the date of retirement.

Leave preparatory to retirement

(2) Where a Board employee who is on foreign service in or under any local body or in corporation or company applies for leave preparatory to retirement, the decision to grant such leave shall be taken by the foreign employer with the concurrence of the lending authority.

(3) The Board employee on foreign service shall be allowed to encash earned leave, if any, at the credit on the date of retirement. Provided that where the Board employee continues in foreign service under such foreign employer, he shall not be eligible for the grant of cash payment in lieu of leave.

149. An application for leave or for extension of leave shall be made to the authority competent to grant such leave or extension through the immediate superior, if any, application for leave or extension of leave should be submitted in the prescribed form.

Application for Leave

150. (1) Except as otherwise provided in these regulations, leave shall be earned by duty only. The period spent on foreign service counts as duty if on account of such period contribution towards leave salary have been paid by the foreign employer or the Board employee himself or remitted by the Board.

Earned Leave for Board employees.

(2) The leave account of every Board employee who is serving in a Department/Office shall be credited with earned leave, in advance, in two instalments of 15 days each on the first day of January and July of every calendar year.

(3) The leave account at the credit of the Board employee at the close of the previous half-year shall be carried forward to the next half-year subject to the condition that the leave so carried forward plus the credit for the half-year do not exceed the maximum limit of 300 days.

(4) Subject to the provision of this regulation, the maximum earned leave that may be granted at a time shall be 120 days.

151. (1) The leave account of a Board employee shall be credited with 15 days on the 1st January and on the 1st July of each calendar year. If a Board employee is appointed during the middle of half-year, his leave account shall be credited at the rate of 2 ½ days for each completed calendar month of the service which is likely to render in that particular calendar half-year.

Calculation of earned leave

(2) The credit for the half-year in which a Board employee is due to retire or resign from the service shall be afforded only at the rate of 2 ½ days per completed calendar month upto the date of retirement or resignation.

(3) When a Board employee is removed or dismissed from service or dies while in service, credit of earned leave shall be allowed at the rate of 2 ½ days per completed calendar month upto the end of calendar month preceding the calendar month in which he is removed or dismissed from the service or dies in service.

(4) If a Board employee has availed himself of extraordinary leave and/or some period of his absence has been treated as "dies non" in a half-year the credit to be afforded to his leave account at the commencement of the next half-year shall be reduced by 1/10th of the period of such leave and/ or "dies non", as the case may be, subject to the maximum of 15 days.

(5) While affording credit of earned leave, fraction of a day shall be rounded off to the nearest day.

152. (1) A Board employee serving in a Vacation department shall not be entitled to any earned leave in respect of duty performed in any year in which he avails himself of the full vacation.

(2) Earned leave admissible to such Board employee in respect of any year in which he is prevented from availing himself of the full vacation shall be such proportion of 30 days as the number of vacation not taken bears to the full version.

Provided that if in any year he is prevented from availing himself of any part of the vacation, earned leave shall be admissible to him in respect of that year in accordance with the provision laid down in Reg 149 and 150, as the case may be.

(3) A Board employee serving in the Vacation Department shall be considered to have availed himself of a vacation or a portion of a vacation unless he has been required by general or special order of a competent authority to forego such vacation or portion of a vacation provided that if he has been prevented by such an order from enjoying more than 15 days of the vacation.

NOTE - The 15 day limit in the regulation will apply in respect of each vacation or of two vacations combined when there are two vacations in the year.

(4) As soon as the vacation expires, the Head of Office shall record in the service book of the concerned employee whether or not he enjoyed the vacation for more than 15 days. If the period exceeds 15 days, the number of days should be specified.

NOTE - For the purpose of this regulation, the "year" shall be construed not as meaning a calendar year in which duty is performed but as meaning 12 months of actual duty in Vacation Department.

(5) As regards accumulation of earned leave at the credit of the employees serving in the vacation Department the limit of 300 days as prescribed in sub-reg (3) of Reg 149 shall apply.

(6) Vacation may be combined with any kind of leave. If vacation is combined with earned leave, the whole spell will be reckoned as earned leave for the purpose of applying the limit up to which earned leave can be taken at a time. For example: in combination with vacation from 1.4.1989 to 31.5.1989, earned leave up to maximum of 59 days can be granted to a Board employee in continuation from 1.6.1989 to 29.7.1989. The total period will then amount to 120 days.

153. (1) A Board employee shall be entitled to half-pay leave of 20 days in respect of each completed year of service.

Half-Pay Leave

(2) The leave under sub-reg (1) above may be granted on medical certificate or on private affairs.

Earned leave for persons serving in Vacation Department

Provided that in the case of a Board employee not in permanent employment, no half-pay leave may be granted unless the authority competent to grant leave has the reason to believe that the Board employee concerned will return to duty on its expiry except in the case of a Board employee who has been declared completely and permanently incapacitated for further service by a medical authority.

(3) If a Board employee is on leave on the day on which he completes a year of service, he shall be entitled to half-pay leave without having to return to duty.

154. (1) Commuted leave not exceeding half the amount of half-pay leave may be granted on medical certificate to a Board employee subject to the conditions that –

Commuted Leave

- i) the authority competent to grant leave is satisfied that there is reasonable prospect of the Board employee returning to duty on its expiry.
- ii) When commuted leave is granted, twice the amount of such leave shall be debited against half-pay leave due.
- iii) the authority competent to grant leave obtains the undertaking from the Board employee that in the event of his resignation, or retiring voluntarily from service, shall refund the difference between the leave salary drawn during commuted leave and that admissible during half-pay leave.

Provided that no such recovery shall be made if the retirement is by reason of ill health incapacitating by the Board employee for further service or if the Board employee dies on commuted leave.

- iv) Half-pay leave up to a maximum of 180 days may be allowed to be commuted during the entire service without production of medical certificate where such leave is utilised for an approved course of study, certified to be in public interest by the leave sanctioning authority.
- (2) Commuted leave may be granted at the request of the Board employee even when earned leave is due to him.
- (3) Commuted leave in continuation of maternity leave may be granted up to 60 days without medical certificate.

155. (1) Save in the case of leave preparatory to retirement, "Leave-not-due" may be granted to a Board employee in permanent or temporary employment, subject to the following conditions –

Leave not due

- (a) The authority competent to grant leave is satisfied that there is reasonable prospect of the Board employee returning to duty on its expiry.
- (b) Leave-not-due shall be limited to the half-pay leave he is likely to earn thereafter;
- (c) Leave-not-due during the entire service shall be limited to a maximum period of 360 days, out of which more than 90 days at a time and 180 days in all may be otherwise than on medical certificate.

(d) It shall be debited against the half-pay leave the Board employee may earn subsequently.

(2) Leave –not-due may also be granted to such temporary Board employees as are suffering from Tuberculosis, Leprosy, Cancer or Mental disease, for a period not exceeding 360 days during the entire service, subject to fulfilments of the conditions in Clause (a), (b) and (d) of sub-reg. (1) and subject to the following conditions : -

- i) that the Board employee has put in a minimum of one year's service.
- ii) that the post from which the board employee proceeds on leave is likely to last till his return to duty; and
- iii) that the request for grant of such leave is supported by a medical certificate as envisaged in Regulation 156.

(3) Where a Board employee who having availed himself of leave-not-due returns to duty but resigns or retires from service before he has earned such leave, he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently.

Provided that no leave salary shall be recovered under Clause (iii) of sub-reg (1) of regulation 154 or this sub-reg if the Board employee is compulsorily retired prematurely.

NOTE – Leave-not-due is intended to be regarded as an advance of leave and its grant therefore be limited to the amount that both can be and will be earned by subsequent duty. Further, it is meant to be granted only in exceptional step of granting such leave, it shall be irrevocable, except at the request of the employee concerned, which should not be penalised if reasonable anticipations fails to materialise.

Leave-not-due should in no case be granted unless the sanctioning authority is fully satisfied that as far as can be reasonably foreseen, the employee shall return to duty and earn it: but the leave when granted should in all cases may be allowed to stand including cases in which the employee fails to earn it by subsequent duty.

156. (1) Extraordinary leave may be granted to a Board employee in special circumstances :
- (a) When no other leave is admissible; and
 - (b) When other leave is admissible, but the Board employee applies in writing for the grant of extraordinary.

Extra-ordinary Leave

(2) (a) Except in case of Board employee in permanent employment, no Board employee shall be granted extraordinary leave on any occasion in excess of three months.

(b) The Board in view of the exceptional circumstances in the following cases may grant extraordinary leave in excess of the limit prescribed in Clause (a) :-

- i. Six months, where the Board employee has completed one year's continuous service on the date of expiry of the leave of the kind due and admissible under these regulations, including three months extraordinary leave under Clause (a) and his request for such leave is supported by a Medical Certificate as required under these regulations;
- ii. Twelve months, where the Board employee who has completed one year's continuous service is undergoing treatment for –
 - a) Pulmonary tuberculosis or pleurisy of tubercular origin in a recognised sanatorium,
 - b) Tuberculosis of any other part of the body by a qualified tuberculosis specialist or a Medical Officer of Health.
 - c) Leprosy in a recognised leprosy institution by a qualified Medical Officer of Health or a specialist in leprosy recognised as such by State Administrative Medical Officer concerned.
 - d) Cancer or for mental disease, in an institution recognised for the treatment of such diseases or by a Medical Officer of Health or a specialist in such diseases recognised as such by the State Administrative Medical Officer concerned.
- iii) Forty-eight Months, where leave is required for the purpose of prosecuting studies certified to be in the public interest, provided the Board employee concerned has completed three year's continuous service on the date of expiry of the kind due and admissible under these regulations including three months extraordinary leave under Clause (a) of sub-reg (2) above. In exceptional circumstances, about which the Board must be satisfied, the total period may be extended up to 60 months during the entire service of the Board employee.

(3) (a) Where a Board employee is granted extraordinary leave in terms of the provision contained in sub-clause (iii) of clause (b) for sub-reg (2), he shall be required to execute a bond as in case of study leave under Appendix – III undertaking to refund to the Board during such leave plus that incurred by any other agency with interest thereon in the event of his not returning to duty on the expiry of such leave or quitting the service before a period of three years after return to duty.

(b) The bond shall be supported by sureties from two permanent Board employees having a status comparable to or higher than that of the Board employee.

(4) When a Board employee who is not a permanent employ fails to resume duty on the expiry of the maximum period of extraordinary leave granted to him or where such a Board employee, who is granted lesser amount of extraordinary leave than the maximum amount admissible, remains absent from duty for any period which together with extraordinary leave granted exceeds the limit up to which he could have been granted such leave under these regulations, he shall unless the Board in view of the exceptional circumstances of the case otherwise determines be removed from service after following the procedures laid down for the purpose.

(5) Two spells of extraordinary leave, if intervened by any other kind of leave including maternity leave, shall be treated as one continuous spell of extraordinary leave for the purpose of sub-reg (2).

(6) The authority which has the power to sanction leave may grant extraordinary leave in combination with or in continuation of any leave that is admissible and may commute retrospectively period of absence without leave into extraordinary leave.

NOTE 1 - The concession of extraordinary leave up to 18 months under sub-reg (2) (b) (ii) would be admissible also to a Board employee suffering from pulmonary tuberculosis, who receives treatment at his residence under a Tuberculosis Specialist recognised as such by the State Administrative Medical Officer concerned and produces a Medical Certificate signed by the specialist to the effect that he is under his recovery on the expiry of the leave recommended.

NOTE 2 - The expression "Medical Officer of Health" used in this regulation shall include the District Medical and Health Officer and surgeon Superintendent or a Medical Officer Incharge of a sub-division.

NOTE 3 - The 3 months limit laid down in clause (a) of sub-reg (2) of Reg. 156 does not apply to cases where extraordinary leave is granted to regularise the period of suspension under Note 1 (a) below sub-reg (5) of Reg. 78 and/or Note 1 (a) of sub-reg (7) of Reg. 79, as the case may be.

NOTE 4 - The power of commuting retrospectively the period of absence without leave into extraordinary leave under this regulation is absolute and not subject to any condition. In other words, such as commutation is permissible even when other leave was admissible to the Board employee concerned, at the time of his absence without leave commenced.

157. (1) A Board employee on earned leave will be entitled to leave salary equal to pay drawn immediately before proceeding on earned leave.

Leave Salaries

(2) A Board employee on half-pay leave or leave-not-due is entitled to leave salary equal to half the pay admissible under sub-reg (1) and dearness allowance and other allowance admissible as per the orders issued by the Board from time to time, Dearness pay, if any, will be calculated on the basis of leave salary actually drawn.

(3) A Board employee on commuted leave is entitled to leave salary equal to twice the amount admissible under sub-reg (2).

(4) A Board employee on extraordinary leave is not entitled to any leave salary.

158.(1) Subject to the conditions herein specified, special disability leave may be granted to a Board employee whether permanent or temporary, who is disabled by injury intentionally inflicted or caused in or in consequence of his official position. The grant of such leave is subject to the following conditions:

Special Disability
Leave, etc.

- i) The disability itself should have manifested within three months of the occurrence to which it attributed and the person disabled had acted with due promptitude in bringing it to the notice of his office. The leave sanctioning authority may, if he is satisfied as to the cause of the disability, relax the condition and grant leave in cases of disability has manifested more than three months after the occurrence of its cause.
- ii) The period of leave granted will be such as certified by an authorised Medical Attendant and subject to the maximum of 24 months.
- iii) Special Disability leave may be combined with leave of any other kind.
- iv) Special disability leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at the later date, but the maximum leave granted in consequence of any one disability should not exceed twenty-four months.
- v) Special disability leave will count as duty in calculating service for pension.
- vi) Special disability leave for the first 120 days will not be debited in the leave account. Beyond 120 days if the official takes half-pay leave also along with special disability leave and receives salary equal to leave salary while on earned leave, such period will be debited against his half-pay leave.

(2) Leave salary during such leave shall be equal to –

(a) for the first 120 days of any period of such leave, including a period of such leave granted under Clause (iv) of sub-reg (1) of Reg. 158, be equal to leave salary while on earned; and

(b) for the remaining period of such leave, be equal to leave salary during half-pay leave.

Provided that a Board employee may at his option be allowed leave salary as in Clause (a) for a period not exceeding another 120 days, and in that event the period of such leave shall be debited to his half-pay leave account.

159. As in the case of "injuries intentionally inflicted" indicated in Regulation 159, special disability leave is admissible also to a Board employee who is disabled by injury accidentally incurred in, or in consequence of the due performance of his official duties or, in consequence of his official position, or by illness incurred in the performance of any particular duty, which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the post which he holds, under the same conditions. In addition, the following further conditions should be fulfilled:

Special disability
leave for
accidental injury

- (i) that the disability, if due to disease, must be certified by an Authorised Medical Attendant to be directly due to the performance of the particular duty;
- (ii) that, if the Board employee has contracted such disability during service, it must be, in the opinion of the leaves sanctioning authority, exceptional in character; and
- (iii) that the period of absence recommended by the Authorised Medical Attendant may be covered in part of leave under this regulation and in part by any other kind of leave, and that the amount of special disability leave granted on leave salary equal to that admissible on earned leave shall not exceed 120 days.

160. (1) Where in consequence of the presence of an infectious disease, referred to in sub-reg (2), in the family or household of a Board employee at his place of duty, residence or sojourns, his attendance at his office is considered as hazardous to the health of the other Board employees, Such Board employee may be granted Quarantine Leave.

Quarantine Leave

(2) (a) For the purpose of sub-reg (1), small-pox may be considered as infectious disease, chickenpox shall not, however, be considered as infectious disease unless the District Medical and Health Officer considers that because of doubt as to the true nature of the disease, e.g., small-pox, there is reason for the grant of such leave.

(b) The following disease shall not be treated as infectious disease for the purpose of grant of quarantine leave.

- (i) Scarlet fever
- (ii) Plague (Bueakmonie orbubonic)
- (iii) Typhus, and
- (iv) Cere bro-spinal meningitis.

(3) Quarantine Leave may be granted by the Board on the certificate of the Authorised Medical Attendant for a period not exceeding 21 days or in exceptional circumstances, 30 days.

(4) Any leave necessary in excess of this period shall be treated as leave due and admissible and shall be debitable to the leave account of the Board employee.

- (5) Quarantine Leave, subject to the maximum laid down in sub-reg (3), may also be granted, when necessary, in continuation of other kind of leave.
- (6) A Board employee on quarantine leave shall be treated as on duty. No substitute shall be appointed while he is on such leave.

161. Study leave is granted to a Board employee who has satisfactorily completed the period of probation, if any, and has rendered not less than three years regular continuous service including the period of probation under the Board, to enable him to undergo, in or out of India, a special course of study consisting of higher studies or specialised training in a professional or a technical subject having a direct close connection with the sphere of his duties. It may also be granted for studies not closely or directly concerned with work but which are capable of widening his mind and improving his ability as a Board employee. The grant of study leave is subject to the following conditions:
- Study Leave
- 1) The course of training or study is certified to be of definite advantage to Board from the point of view of public interest.
 - 2) The particular study or study tour should be approved by the authority competent to grant leave.
 - 3) The Board employee should on his return, submit a full report on the work done by him while on study leave.
 - 4) Study leave out of India should not be granted if facilities for prosecution of such studies are available in India.
 - 5) The Board employee is not due to reach the age of Superannuation within three years from the date of which he is expected to return to duty after the expiry of the leave.
 - 6) It should not be granted to a Board employee with such frequency as to remove him from contact with his regular work or cause cadre difficulties owing to his absence on leave.
 - 7) The maximum period of study leave is 24 months in the entire service. Ordinarily the grant of study leave should be for a period of 12 months at any one time.
 - 8) Study leave will not be debited against the leave account of the Board employee. It may be granted in conjunction with the other kinds of leave: but the maximum period of continuous absence (including vacation, if any, but excluding extraordinary leave) from his regular work should not exceed 28 months (36 months in the case of study leading to award of Ph. D. degree; and/or in respect of courses of higher studies on specialised training in a professional or technical subject where Universities have fixed duration in excess of 24 months, the Officers sent for pursuing such higher/ specialised courses shall be entitled to study leave as per the duration fixed by the Universities or 36 months, whichever is less).
 - 9) The Board employee should execute the requisite bond(s) in the prescribed form.

- 10) When the course of study falls short of study leave granted, the Board employee should resume duty on the conclusion of the course, unless the previous sanction of the leave sanctioning authority is obtained to treat that period of shortfall as ordinary leave.
- 11) On completion of the course of study, the Board employee shall submit to the authority which granted him the study leave, the certificate of the examination passed or special course of study undertaken, indicating the date of commencement and termination of the course with remarks, if any, of the authority in-charge of the course of study.

162. (1) During study leave availed outside India, a Board employee shall draw leave salary equal to pay last drawn while on duty plus dearness allowance and House rent allowance, in addition to the study allowance admissible, if any. During study leave period in India, the Board employee shall draw leave salary equal to the last pay drawn plus dearness allowance and House rent allowance while on duty with the Board immediately before proceeding on such study in India. No study allowance shall be paid during study leave for the course of study in India. Any stipend, scholarship or remuneration in respect of any part-time employment should be adjusted against the leave salary, subject to the condition that the leave salary shall not be reduced to an amount less than that admissible during half-pay leave.

(2) The Board employee concerned will be entitled to house rent allowance during the first 180 days of the study leave at the rates admissible to him from time to time at the station where he proceeded on study leave. The payment of house rent allowance beyond 180 days of the study leave will, however, be subjected to the production of certificate that he continues to incur the whole or a considerable part of the expenses to meet or for which the allowance was granted.

163. (1) A study allowance shall be granted to a Board employee who has been granted leave for studies outside India for the period spent in prosecuting a definite course of study at a recognised institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study.

Conditions for
grant of study
allowance

(2) Where the Board employee has been permitted to receive and retain, in addition to his leave salary, any scholarship or stipend that may be awarded to him from the Board or Government or Non-Government source or any other remuneration in respect of any part time employment:

- (a) No study allowance shall be admissible in case the net amount of such scholarship or stipend or remuneration (arrived at by deducting the cost of fees, if any, paid by the Board employee, from the value of the scholarship or stipend or remuneration) exceeds the amount of study allowance otherwise admissible; and
- (b) In case the net amount of scholarship or stipend or remuneration is less than the study allowance otherwise admissible, the difference between the value of the net scholarship or stipend or any other remuneration in respect of any part time employment and the study allowance may be

granted by the authority competent to grant leave.

(3) Study allowance shall not be granted for any period during which a Board employee interrupts his course of study to suit his own convenience:

Provided that the authority competent to grant leave may authorise the grant of study allowance for a period not exceeding 14 days at a time during such interruption if it was due to sickness.

(4) Study allowance shall also be allowed for the entire period of vacation during the course of study subject to the condition that –

- (a) the Board employee attends during vacation any special course of study or practical training under the direction of the Board or the authority competent to grant leave, as the case may be, or
- (b) in the absence of any such direction, he produces a satisfactory evidence before the Board that he has continued his studies during the vacation:

Provided that in respect of vacation falling at the end of the course of study it shall be allowed for a maximum period of 14 days.

(5) The period for which study allowance may be granted shall not exceed 24 months in all.

164. The rate of study allowance to be granted to a Board employee who takes study leave in any country shall be as such may be specially determined by the Board.

Rate of Study allowance

165. (1) Payment of study allowance shall be subject to the furnishing of a certificate by the Board employee to the effect that he is not in receipt of any scholarship, stipend or any other remuneration in respect of any part-time employment.

Procedure for Payment of study allowance

(2) Study allowance shall be paid at the end of every month provisionally subject to an undertaking in writing being obtained from the Board employee that he would refund to the Board any over payment consequent on his failure to satisfy the authority competent to grant leave about the proper utilization of the time spent for which study allowance is claimed.

(3) (a) In the case of a definite course of study at a recognised institution, the study allowance shall be payable if the study leave availed of is supported by a proper certificate of attendance by the head of the institution.

(b) The certificate of attendance required to be submitted in support of the claims for study allowance shall be forwarded at the end of the term, if the Board employee is undergoing study in an educational institution or at intervals not exceeding 3 months if he is undergoing study at any other institution.

(4) (a) When the programme of study approved does not include or does not consist entirely of such a course of study, the Board employee shall submit to the authority competent to grant leave, a diary showing how his time has been spent and a report indicating fully the nature of the methods and operations which have been studied and including suggestions as to the possibility of adopting such methods or operation to conditions obtaining in the autonomous region.

(b) The authority competent to grant leave shall decide whether the diary and report show that the time of the Board employee was properly utilized and shall determine accordingly for what periods study allowance may be granted.

166. A Board employee to whom study leave has been granted shall not ordinarily be paid travelling allowance but the Board may in exceptional circumstances sanction the payment of such allowance.

Travelling
Allowance

167. The Board employee should be required to meet the cost of fees paid for study; but the Board may, in exceptional cases, sanction the grant of such fees. In no case such grant of fees is admissible, if the Board employee concerned is in receipt of scholarship or stipend from whatever source or is permitted to receive and retain in addition to his leave salary, any remuneration in respect of part-time employment.

Cost of fees for
study

168. (1) If a Board employee resigns or retires from service or otherwise quits service without returning to duty after a period of study leave or within a period of three years after such return to duty, he shall be required to refund -

Resignation or
retirement after
study leave or non-
completion of study

- i. the actual amount of the leave salary, study allowance, cost of fees, travelling and other expenses, if any, incurred by the Board; and
- ii. the actual amount, if any, of the cost incurred by other agencies, such as, Foreign Governments, Central or the State Government, Foundations and trusts in connection with the course of study, together with interest thereon at rates for the time being in force on loans, from the date of demand, before his resignation is accepted or permission to retire is granted or his quitting service otherwise.

Provided that nothing in this rule shall apply -

- a) to a Board employee who, after return to duty from study leave, is permitted to retire from service on medical ground; or
- b) to a Board employee who, after return to duty from study leave is deputed to service in any statutory, autonomous body or institution under the Board and is subsequently permitted to resign from service under the Board with a view to his permanent absorption in the said statutory or autonomous body or institution in the public interest.

(2) (a) The study leave availed of by such Board employee shall be converted into regular leave standing at his credit on the date on which the study leave commenced, any regular leave taken in continuation of study leave being suitably adjusted for the purpose and the balance of the period of study leave, if any, which cannot be so converted, treated as extraordinary leave.

(b) In addition to the amount to be refunded by the Board employee under sub-reg (1) above, he shall be required to refund any excess of leave salary actually drawn over the leave salary admissible on conversion of the study leave.

(3) Notwithstanding anything contained in this rule, the Board may, if it is necessary or expedient to do so, either in public interest or having regard to the peculiar circumstances of the case, by order, waive or reduce the amount required to be refunded under sub-reg (1) by the Board employee concerned.

169. (1) A female Board employee may be granted maternity leave by an authority competent to grant leave for a period of 150 days from the date of her confinement. During such a period she shall be paid leave salary equal to the pay drawn while on earned leave.

Maternity Leave

(2) Maternity leave may also be granted in case of miscarriage including abortion subject to the conditions that –

- a) the leave does not exceed six weeks; and
- b) the application for leave is supported by a certificate from the authorised Medical Attendant.

(3) (a) Maternity leave may be combined with leave of any kind.

(b) Notwithstanding the provisions contained in sub-reg (1), any leave including commuted leave, for a period not exceeding sixty days applied for in continuation of maternity leave, may be granted without production of medical certificate.

(4) Leave in further continuation of leave granted under Clause (b) of sub-reg (3) may be granted on production of a medical certificate for the illness of the female Board employee. Such leave may also be granted in case of illness of a newly born baby subject to the production of a medical certificate to the effect that the condition of the baby warrants mother's personal attention and that her presence by the baby's side is absolutely necessary.

(5) A male Board employee may be granted paternity leave by an authority competent to grant leave for a period of 15 days. During such period he shall be paid leave salary equal to pay drawn while on earned leave.

(6) Maternity/Paternity leave shall not be debited against the leave account.

NOTE 1 -The provision of this regulation shall also be applicable in the case of abortion induced under the Medical Termination of Pregnancy Act, 1971 and shall be guided by sub-reg (2) of this regulation treating it as a case of abortion. It shall not, however, be admissible for threatened abortion.

NOTE 2 -Maternity counts as service for the purpose of increments and pension.

170. (1) Board employees suffering or suspected to be suffering from TB/Cancer/Leprosy/HIV/AIDS shall at first be sent to the nearest recognised institution for proper diagnosis or treatment.

Leave to Board employees suffering from TB/Cancer/Leprosy/HIV/AIDS

(2) If after careful examination, the case of a Board employee is found to be "open" one he will be granted leave for the period indicated below by instalments of four months on the recommendation of the District Medical & Health Officer or the Authorised Medical Attendant of the Board:

- a) For TB and Pauci-Bacillary (PB) Leprosy : 10 months;
- b) For Multi-Bacillary (MB) Leprosy : 12 months;
- c) For Cancer/HIV/AIDS : 18 months.

(3) The leave for 10 months, 12 months or 18 months, as the case may be, shall follow immediately after the earned leave admissible and at credit of the Board employee is fully exhausted. During the period of leave so granted or thereafter but during such period of leave only ordinarily granted to him /her under the leave regulations to which he/she is subject to, if the Medical Authority thinks that there is no reasonable prospect of his/her recovery, then he/she will be invalidated and proportionate pension, as prescribed in the regulations be sanctioned. If before the expiry of the maximum leave, his/her case is certified to have become a "closed" one, he/she will be allowed to resume his/her appointment/duties subject to the condition that the Board employee shall undergo periodical re-examination by the Authorised Medical Attendant or proper Government Medical Officer and if necessary, by a competent authority approved by the Board/Government.

(4) The amount of leave admissible under this regulation relates to the entire service of the Board employee. Cases for further extension of the period of leave shall be allowed on the specific recommendation of the State Medical Board.

Provided that in cases of Cancer patients, appearance by the patient(s) before the State Medical Board shall not be mandatory for extension of period of leave for serious/terminally ill patients.

NOTE: The expression "leave" and "leave salary", shall mean leave and leave salary equivalent to what is admissible under Reg. 157(1).

171. (1) No leave shall be granted to a Board employee beyond –

- a) the date of his retirement on superannuation; or
- b) the date of his final cessation of duties; or
- c) the date on which he retires by giving notice to the Board or he is retired by the Board by giving him notice or pay and allowances in lieu of such notice, in accordance with the terms and conditions of his service. or

Leave beyond the date of retirement or quitting of service

d) the date of his resignation from service.

Provided a Board employee to whom Clause (c) applies may be granted leave due and admissible to him which may extend beyond the date on which he retires or is retired from service, but not exceeding beyond the date on which he attains the age of retirement.

(2) A Board employee who is retired by the Board by giving him pay and allowances in lieu of notice, may apply for leave within the period for which such pay and allowance are given, and where he is granted leave excluding that period for which pay and allowances in lieu have been allowed.

172.(1) When a Board employee retires on attaining the age of superannuation, the authority competent to grant the leave shall *suo moto* issue an order granting cash equivalent of leave salary for earned leave, if any, at the cost of his retirement, subject to a maximum of 300 days.

(2) The cash equivalent under sub-reg (1) shall be calculated as follows and shall be payable in one lump sum as one time settlement. No House Rent Allowances or Hill Allowance or other Compensatory allowances including the Medical Allowances will be admissible:

Cash equivalent of earned leave on retirement, quitting of service or death while in service

Pay admissible on the date of retirement plus dearness allowance.

Number of days of unutilized earned leave at the credit on the date of retirement subject to the maximum of 300 days.

Cash
Equivalent

----- X -----

(3) The cash equivalent shall not be subject to reduction on account of pension and pension equivalent gratuity.

(4) A Board employee who retires from service on attaining the date of retirement while under suspension, shall become eligible for the benefit of cash equivalent of earned leave that was at his credit on the date of his retirement calculated in the manner provided in sub-reg (2) on conclusion of the proceedings against him, if the authority competent to re-instate him in the service holds that the suspension was wholly unjustified.

(5) (a) A Board employee who retire or is retires from service in the manner mentioned in Clause (c) of sub-reg (1) of Reg. 168, may be granted, suo moto, by the authority competent to grant leave, cash equivalent of leave salary in respect of earned leave at his credit subject to a maximum of 300 days and also in respect of the half-pay leave at his credit, provided that the period does not exceed the period between the date on which he so retires or retired from the service, and the date on which he would have retired in the normal course after attaining the age of superannuation.

(b) The cash equivalent shall be equal to the leave salary as admissible for earned leave and/or equal to the leave salary as admissible for half-pay leave plus dearness allowance as admissible on that leave salary for the first 300 days at the rates in force on the date the Board employee so retires or is retired from service, as the case may be. The pension and pension equivalent of other retirement benefits and ad-hoc relief on pension shall be deducted from the leave salary paid for the period of half-pay leave, if any, for which the cash equivalent is payable. The amount so calculated shall be paid in one lump sum as one time settlement. No house rent allowances and other compensatory allowances shall be payable:

Provided that if leave salary for half-pay leave component falls short of pension and other pensionary benefits, cash equivalent of half-pay leave shall not be granted.

Provided further a Board employee who is retired by the Board by giving him pay and allowances in lieu of notice, may apply within the period for which such pay and allowances were given, and where he is granted leave, the leave salary shall be allowed only for the period of leave excluding that period for which pay and allowances in lieu of notice have been paid.

(6) (a) (i) When the services of a Board employee are terminated by notice or otherwise in accordance with the terms and conditions of his appointment may be granted, suo moto by the authority competent to grant leave, cash equivalent in respect of the earned leave at his credit on the date which he ceases to be in service to a maximum of 300 days.

(ii) A Board employee who is re-employed after retirement may, on termination of his re-employment be granted suo moto, by the authority competent to grant leave, cash equivalent in respect of the earned leave at his credit on the date of termination of re-employment subject to the maximum of 300 days including the period for which encashment was allowed at the time of retirement.

(b) The cash equivalent under Clause (a) shall be equal to leave salary admissible for earned leave calculated under Reg. 157 (1) plus dearness allowance admissible on that leave salary at the rates in force on the date the Board employee ceases to be in service. The amount so calculated shall be paid in one lump sum as one time settlement. No house rent allowances shall be payable.

(7) In case a Board employee dies while in service, the cash equivalent of the leave salary that the deceased employee would have got had he gone on earned leave that would have been due and admissible to him for his death on the date immediately following the date and in case not exceeding leave salary for 300 days, shall be paid to his family without reduction on account of pension equivalent of death-cum-retirement gratuity. In addition to the cash equivalent of leave salary admissible, the family of the deceased Board employee shall also be admissible to the payment of dearness allowance on the basis of leave salary. No compensatory allowances shall be payable.

NOTE 1 - (i) The term family in this rule shall mean and include the following:

- a) Wife in the case of a male officer;
- b) Husband in the case of a female officer;
- c) Minor sons including adopted sons;
- d) Unmarried minor daughters including adopted daughters; and
- e) Dependent parents.

(ii) Cash equivalent of leave salary shall not be payable to more than one member of the deceased Board employee's family at the same time. It shall first be admissible to the widow(s)/widower(s) and then to the children in equal share and to the mother and lastly to father. Where a Board employee survives by more than one widow such leave salary shall be paid to them in equal share.

NOTE 2 - The provision of this regulation shall also be applicable in the case of death of a re-employed pensioner.

NOTE 3 - For method of calculation of cash equivalent of leave salary under this rule, procedure laid down in sub-reg (2) of Rule 172 shall be followed.

(8) A Board employee who is declared by a competent medical authority to be completely and permanently incapacitated for further service may be granted, suo moto, by the authority competent to grant leave, cash equivalent of leave salary in

respect of leave due and admissible, on the date of his invalidation from service, provided that the period of leave for which he is granted cash equivalent does not extend beyond the date on which he would have retired in the normal course after attaining the age of superannuation. The cash equivalent thus payable shall be equal to the leave salary as calculated under sub-reg (2) of Reg 172.

173. (1) (a) A probationer shall be entitled to leave under these rules as if he had held the post substantively otherwise than on probation.
- (b) If, for any reason, it is proposed to terminate the services of a probationer, any leave which may be granted to him shall not extend –
- i. beyond the date on which the probationary periods already sanctioned or extended expires, or
 - ii. beyond any earlier date on which his services are terminated by the orders of any authority competent to appoint him.

Leave to probationer, a person on probation and apprentice

(2) A person appointed to a post on probation shall be entitled to leave under these regulations as a temporary or a permanent Board employee according as his appointment, is against a temporary or a permanent post, as the case may be:

Provided that where such person already hold a lien under these regulations as a permanent Board employee.

- (3) An apprentice shall be entitled to –
- a) leave, medical certificate, on leave salary equivalent to half-pay leave for a period not exceeding one month in any year of apprenticeship; and
 - b) extra-ordinary leave under Rule 156.

174. A Board employee on an establishment whose duties are not continuous, but are limited to certain periods in each year, may be granted the following leave during a period:

- a) Leave on medical certificate on half-pay not exceeding one month, provided that if he remains absent on the date of re-employment owing to illness, such leave may be extended by the authority appointing him to two months in all; and
- b) Extra-ordinary leave not exceeding one month.

Employees whose duties are non-continuous and part time service

175. Leave to Board employees engaged on contract shall be governed mutatis mutandis by these regulations, subject to the following provisions:

Contract appointment

(1) Where a contract is for a period not exceeding five years, these regulations shall apply to the officer as to and not in permanent employment:

Provided that half-pay shall be admissible to such an officer otherwise than on medical certificate.

Provided further that no extra-ordinary leave shall be admissible to such an officer if the contract is for one year or less, and if the contract is for more than one year but not more than five years, the total amount of extra-ordinary leave admissible during the entire period of the contract shall be limited to three months.

(2) Where a contract is for a longer term than five years and where the original contract for five years or less is extended so as to make the total period of the contract longer than five years, these rules shall apply to the officer as to an officer in permanent employ.

Provided that no half-pay leave shall be admissible to such an officer otherwise than on medical certificate.

Provided further that in the matter of extra-ordinary leave, these regulations shall apply to such an officer as to an officer not in permanent employ.

NOTE - In the case of extension of a contract for a period longer than five years, the officer will be credited with the earned leave that would have been admissible had the contract been initially one or more than five years diminished by any earned leave already taken.

(3) Where the contract is for an indefinite period or an original contract for a definite period is extended for an indefinite period, these regulations shall apply to the officer as to an officer in permanent employ.

NOTE - In the case of extension of a contract for an indefinite period the officer will be credited with earned leave that would have been admissible had the contract been initially one for an indefinite period diminished by any earned leave already taken.

(4) In the case of a Board employee whose contract is for a year or less, no leave shall be granted beyond the date of expiry of the contract even if the officer has been denied in whole or in part on account of the exigencies of the public service, leave which was due to him during the period of contract. In all other cases, earned leave may be granted after the expiry of the contract only when it has been applied for during the period of the contract and refused owing to the exigencies of the public service.

(5) The leave salary during leave taken under these Clauses shall be regulated by the provision of Reg. 157.

176. A Board employee remunerated by honoraria or on daily wages may be granted leave at the discretion of the appointing authority provided that he makes satisfactory alternative arrangements for the performance of his duties, that no extra expense is caused to the Board and that during leave the whole of the honoraria or allowances are paid to the person who officiates in his place.

Leave admissible to Board employees remunerated by honoraria or daily wages

177. (1) (a) A Board employee on casual leave is not treated as absent from duty and his pay during such leave is not interrupted. No substitutes in place of officers on such casual leave will be allowed.

Casual Leave

(b) The authority granting the casual leave should ensure as far as possible that public services do not suffer in any way from the absence of officer on casual leave.

(2) The Head of Offices or the Head of Departments when they themselves are the Head of Offices, may grant casual leave to the Officers and staff under them, provided that where the question relates to the casual leave of the Head of Office or the Head of Department himself, sanction of the next higher authority to whom he is directly subordinate shall be obtained.

NOTE - The power to grant casual to subordinate officers and staff may be delegated by the Board to some other officers if deemed necessary for administrative convenience.

(3) Half-a-day casual leave, if applied for by a Board employee, may be granted to him for the forenoon session or the afternoon session, as the case may be, in cases where a Board employee may have some urgent private work which does not require a full day's casual leave. For the purpose of grant of Half-a-day's casual leave, the dividing line for both forenoon and afternoon session for the purpose should be 1:45 PM i.e. a person who takes half-a-day casual leave for the forenoon session is required to attend office at 1:45 PM and the person who takes casual leave for the afternoon session may be allowed to leave the office at 1:45 PM.

NOTE - The privilege of taking half-a-day's casual leave shall not be admissible-

- a. On any day in which the office is not held for the full day; and
- b. On any on which a Board employee is permitted to attend office late or leave office early by any general order.

(4) Casual Leave granted in any one calendar year shall not exceed 15 days nor shall it entail absence of more than ten consecutive days at a time including Sundays, holidays or weekly off days except for very special circumstances to be recorded in writing.

Provided that Sundays, holidays and weekly off days, following or failing within the period of casual leave shall not be counted as part of the casual leave.

(5) (a) Casual Leave should only be granted for adequate reasons and cannot be claimed as of right or allowed when the interests of public service forbid it.

(b) The concession of casual leave must not be converted into an unauthorized system of earned leave.

(c) An officer who takes casual leave when on tour is not entitled to draw daily allowance during such casual leave.

(6) Casual leave cannot be claimed with any kind of leave and if so combined, the whole period of absence will be treated as ordinary leave due.

(7) Every authority which grants casual leave shall cause a register shall be regularly examined by authorised officers in this regard:

Column 1:	Name and Designation of the Officer/employee.
Column 2:	Casual leave granted: (a) From..... (b) To..... (c) Total Casual Leave Granted
Column 3:	Cause of absence.
Column 4:	Address while on Leave.
Column 5:	Initial of Casual Leave granting authority.
Column 6:	Remarks.

CHAPTER XIII**RECORDS OF SERVICE**

178. (1) A Service Book must be maintained for every Board employee holding a substantive post in a permanent establishment or officiating in a post or holding a temporary post.

Service Book

NOTE - No Service Book need be maintained for Board employees officiating in posts or holding temporary posts, who are recruited for purely temporary or officiating vacancies not likely to last for more than one year and are not eligible for permanent appointment.

(2) In all cases in which Service Book is necessary such a book shall be maintained for a Board employee from the date of his first appointment to a Board service. It must also be kept in the custody of the Head of Office which he is serving and transferred with him from office to office. A certified copy of the Service Book may be supplied to the Board employee on payment of a copying fee as may be prescribed by the competent authority on quitting Board service by retirement, discharge or resignation.

179. Every step in Board employees official life must be recorded in his Service Book and each entry must be attested by the Head of Office or if he himself is the Head of the Office, by his immediate superior. The Head of Office must see that all entries are duly made and attested and that the book contains no erasure or over-writing; all corrections being neatly made and properly attested.

180. It shall be the duty of every Head of Office to initiate action show the Service Books to Board employees under his administrative control, every year and to obtain their signatures therein in token of their having inspected the service books. A certificate to the effect that he has done so in respect of the financial year should be submitted by him to his next superior officer by the end of every September of a year. The Board employee inter alia ensure before affecting his signature that their services have been duly verified and certified as such. In cases of a Board employee on foreign service, his signature shall be obtained in his service book after necessary entries connected with his foreign service have been made.

181. Personal certificates of character should not, unless the Board so directs, be entered in the service book but if the Board employee is reduced to a lower substantive appointment the cause of the reduction should always be briefly stated thus "reduced for inefficiency", "reduced owing to revision of establishment, etc..."

182. Every period of suspension from employment and every other interruption in service should be noted with full details of its duration, by an entry or endorsement in the relevant page and attested by the Head of Office or such attesting authority. The Head of Office should take efficient and effective measures to see that these entries/ endorsement are made with regularity. The duty should not be left to the subordinate Board employee concerned.

183. When a Board employee is transferred whether permanently or temporarily from one office to another, the necessary entry of the nature of the transfer should be made in his service book which after being duly verified to date and attested by the Head of Office should be transferred to the Head of Office to which the Board employee has been transferred who will thenceforward have the book maintained in his office.

184 The declaration of the Board employees electing the scale of pay and statements showing the fixation of initial pay in the relevant scales (revised) of pay in support of the entries in the service books should be pasted in the service book themselves

NOTE - It has been decided that as soon as the Board employee is admitted to a provident fund. Account Number allotted to him should be entered on the right hand top of Page-1 of his service book by means of a rubber stamp.

185. At a fixed time early in the year the service book shall be taken up for verification by the Head of Office who, after satisfying himself that the service of the Board employee concerned are correctly recorded in each of the service book, shall record in each case a certificate in the following form over his signature:

“Services verified up to (date) from the record from which the verification is made”

Annual verification
of services

NOTE 1 - The verification of the service book referred to above is intended to ensure that the Head of the Office has satisfied himself that the Board employee's entire service, whether permanent, temporary or officiating, as recorded in the service book, is completely borne out by actual facts.

NOTE 2 - Questions affecting pensions or the pensionable service of a Board employee which for their decision depends on circumstances known at the time, should be considered as soon as they arise and should not be left over for consideration until the Board employee retires or is about to retire. Definite decisions should be arrived at on all such questions and recorded in the service book quoting reference to the orders of the competent authority.

Boards Executive's Decision:

Need for proper maintenance of service book to eliminate delay in payment of pension:

The following procedures shall be followed in regard to the maintenance of service books so as to eliminate any delay in the sanctioning and payment of pension and all other retirement benefits:-

- 1) It shall be the responsibility of the officers maintaining the service book to make annual verification and also to complete and certify the service books in respect of previous service in the 20th year of service or 5 years before the retirement, whichever is less.
- 2) The order of the competent authority, where required on the nature of service, as for example, periods of leave, breaks in service, etc., should be obtained and recorded in the service book. The entries made in the Service Book should be shown to the Board employee and his signature obtained in the book.
- 3) The orders of the competent authority regarding the counting or otherwise of periods preceding breaks in service as qualifying for pension should be obtained invariably at the same time as the occasion arises and not later. Such orders should be noted in the Service Book. Unless otherwise shown in the service book it will be presumed that the orders of the competent authority have been obtained and the periods of extra-ordinary leave and periods preceding break in service will count for pension.
- 4) Any omission or lapse on the part of the administrative authority to observe the procedure in paragraph (1) to (3) above is likely to result in overpayments such as those consequent on period of extra-ordinary leave being allowed to count for pension and breaks getting automatically condoned. Suitable disciplinary action will be taken in cases where loss has been caused to the Board as a result of lapse on the part of the concerned authorities.



PRAVIN BAKSHI,
Executive Chairman,
Meghalaya Board of School Education,
Tura.

Meghalaya Board of School Education Supplementary Service Regulations, 2016 has been approved by the Government of Meghalaya vide letter No. EDN.271/2009/147-A, dated Shillong, the 5th January, 2017.



PRAVIN BAKSHI,
Executive Chairman

Meghalaya Board of School Education
Tura.

APPENDIX- A

(See S.R.10)(1)

SUPPLEMENTARY SERVICE REGULATIONS 2016.

In exercise of the powers conferred by Sections 12 and 23 of the Meghalaya Board of School Education Act, 1973 read with MBOSE Service Regulations 10(I) of the Meghalaya Board of School Education Employees' Service Regulations 2016 and subject to any general or special orders of the State Government, the following Supplementary Regulations to the Service Regulations are hereby published.

1. **Short title and commencement:** (1) These regulations may be called the "Meghalaya Board of School Education Employees' Supplementary Service Regulations 2016".
(2) They shall come into force on and from such date as notified in the Official Gazette.
2. **Definitions:** Unless there is something repugnant in the subject or context, the terms defined herein shall be used in the sense explained in chapter II under caption "Definitions" of the Meghalaya Board of School Education Employees' Service Regulations 2016.
3. **Classifications of Services/Posts:** The Classification of the services/posts shall be as follows:
 - Group 'A'** : All posts in the pay scale shall be that of cadre post ie. IAS and its equivalent.
 - Group 'B'** : All posts in the pay scale the minimum of which is Rs. 31,300/- and above
 - Group 'C'** : All posts in the pay scales the minimum of which is Rs. 27,510/- and above but below Rs. 33,690 /-
 - Group 'D'** : All posts in the pay scales the minimum of which Rs. 13,840/- and above but below Rs. 27,510/- and
 - Group 'E'** : All posts in the pay scales the maximum of which is Rs. 13,840/-

4. Constitution and Composition of the Services:- (1) The Meghalaya Board of School Education Services shall consist of the categories and grades:-

a) Higher Administrative

Grade: (i) The Executive Chairman
(ii) The Principal Director

b) Selection Grade: (i) Director, Administration
(ii) Director, (Regional)
(iii) Director, Accreditation & Controller of Examinations
(iv) Chief Academic Officer
(v) Chief Accounts Officer

c) Senior Grade: I : (i) Jt. Director, Administration
(ii) Jt. Controller of Examination (HSSLC/SSLC)
(iii) Jt. Chief Academic Officer
(iv) Jt. Chief Accounts Officer
(v) Jt. Director, ITES

d) Senior Grade: II : (i) Dy. Director Administration
(ii) Dy. Controller of Examinations (HSSLC/SSLC)
(iii) Dy. Chief Academic Officer
(iv) Dy. Chief Accounts Officer
(iv) Dy. Director, ITES

e) Junior Grade:- (i) Asstt. Director, Administration
(ii) Asstt. Controller of Examinations (HSSLC/SSLC)
(iii) Academic Officer (Arts/Science/Commerce/ Vocational)
(iv) Accounts Officer
(v) System Analyst

(2) Ministerial and Group 'D' Cadres: The Office Establishments in the Headquarters and the Shillong Regional Office shall consist of the following categories of posts:

ITES : Assistant System Analyst

Ministerial Cadres:

- (i) Registrar
- (ii) Superintendent
- (iii) Asstt Superintendent/Internal Auditor
- (iv) Upper Division Assistant
- (v) Lower Division Assistant
- (vi) Store Keeper
- (vii) Caretaker
- (viii) Assistant Caretaker

Group 'D' Staff:-

- (i) Duftry
- (ii) Peon
- (iii) Chowkidar
- (iv) Cleaner
- (v) Mali
- (vi) Cook
- (vii) Sweeper (Safaiwala)

Ex-Cadre posts:-

- (i) Electrical Supervisor
- (ii) Electrician
- (iii) Driver
- (iv) Offset Operator

5. The Strength and the Time- Scales of Pay of the Service/Posts:-

(1) The strength of the service including the subordinate service and the nature of posts therein shall be determined by the Board at a meeting from time to time.

(2) At the commencement of these regulations, the strength and the time scale(s) of pay of the services including the subordinate services and the nature of the posts therein shall be as shown in schedule I:

Provided that the Board may hold in abeyance any post or posts as and when considered necessary.

Notes:- As per the decision of the 128th Board meeting held on 2nd May' 2013, Internal Auditor from amongst the Ministerial Staff not below the rank of Assistant Superintendent may be formed for the purpose of Internal Inspection / Auditing of the MBOSE Office as and when required.

In addition, an intermediate cadre of Assistant Superintendent in between the Superintendent and Upper Divisional Assistant shall be created.

6. Method of Recruitment/Appointment:- (1) **Selection Grade :-** The Officers of the Board in Categories at (a) and (b) of SSR 4(1) shall be made by the Government. The appointment to the post or posts other than category (a) and comprising in the Selection Grade shall be made by promotion from amongst the members of Senior Grade I of the respective Cadres who have rendered not less than 4(four) years of continuous and satisfactory service in the grade on the first day of the year in which the selection is made and included in the Select list approved under SSR 9(3) and specified in Schedule II.

Provided that if sufficient number of Officer(s) who have rendered not less than (4) four years of service in Senior Grade I as specified in Clause (c) of SSR 4 (1) are not available for filling up the vacancy/ vacancies in Selection Grade as specified in Clause (b) of SSR 4 (1), appointment may also be made by promotion from amongst the Officer of Senior Grade I as specified in Clause (c) of SSR 4 (1) who have rendered not less than 7 (seven) years of service in Senior Grade I and Senior Grade II counted together.

“Provided further that Government shall, where considered necessary and appropriate, appoint person/Officer other than the Officers comprising in the Selection Grade Officer(s) specified in Clause (b) of SSR 4(1).”

(2) **Senior Grade I:-** Appointment to post or posts in the Senior Grade I shall be made by promotion from amongst the member of the Senior Grade II who have rendered not less than 4 (four) years of continuous and satisfactory service in that grade on the first day of the year in which the selection is made and included in the select list under SSR 9 (3) and specified in Schedule II.

Provided that if sufficient number of officer(s) who have rendered not less than 4 years of Service in Senior Grade II are not available for filling up the vacancies in Senior Grade I, appointment may also be made by promotion from amongst the Officer(s) of Senior Grade II who have rendered not less than 7 (seven) years of service in Senior Grade II and Junior Grade counted together.

(3) **Senior Grade II :-** Appointment to Senior Grade II shall be made by promotion from amongst the member of Junior Grade who have rendered not less than 5 (five) years of continuous and satisfactory service on the first day of year of selection and included in the select list approved under SSR 9 (3) and specified in schedule II.

(4) **Junior Grade** :- Appointment by Direct recruitment / Departmental promotion provided under SSR 12 (1).

7. Departmental Appointment/ Promotion Committee:-

(1). For the purpose of the appointment / appointment by promotion under Sub-SSR (1) , (2) and (3) of SSR 6, there shall be Appointment/ Promotion Committee consisting of the following members :-

Appointment/ Promotion Committee:		Higher Administrative Grade/ Selection Grade.
(a) Chairman	-----	Chief Secretary to the Government of Meghalaya.
(b) Member Secretary	-----	Principal Secretary/ Commissioner & Secretary/ Secretary to the Govt. of Meghalaya, Education Department.
(c) Members	-----	(1) Principal Secretary/ Commissioner & Secretary to the Govt. of Meghalaya, Finance Department or his nominee. (2) Principal Secretary/ Commissioner & Secretary to the Govt. of Meghalaya, Personnel & A.R Department or his nominee. (3) Principal Secretary/ Secretary to the Govt. of Meghalaya, Law Department. (4) Executive Chairman, MBOSE.

Departmental Promotion Committee:

- | | | |
|----------------------|-------|--|
| | | Senior Grade I/ Senior Grade II/ Junior Grade. |
| (a) Chairman | ----- | Executive Chairman, MBOSE. |
| (b) Member Secretary | ----- | Principal Director/ Director Administration. |
| (c) Members | ----- | 1) A representative of the Education Department not below the rank of Secretary. |
| | | 2) Director of Higher & Technical Education. |
| | | 3) Director of Educational Research & Training. |
| | | 4) Director of School Education & Literacy. |
| | | 5) A representative of Finance Department. |
| | | 6) A representative of Personnel & A.R Department. |
| | | 7) A representative of Law Department. |
| | | 8) One of the Board Members. |

(2) (i) For the purpose of appointment by promotion to the post of Registrar, Superintendent, Assistant Superintendent and Internal Auditor under SSR 4(2), there shall be Departmental Promotion Committee consisting of the following members:

- | | | |
|----------------------|-------|---|
| (a) Chairman | ----- | Executive Chairman, MBOSE. |
| (b) Member Secretary | ----- | Director, Administration. |
| (c) Members | ----- | 1) Director Accreditation & Controller of Examinations. |
| | | 2) Chief Accounts Officer. |
| | | 3) Joint Director, Administration. |
| | | 4) Joint Director, ITES. |

(ii) For the purpose of appointment by promotion to the post of Upper Division Assistant under SSR 4(2), there shall be a Departmental Promotion Committee consisting of the following members:

- | | | |
|-----------------------|-------|---|
| (a) Chairman | ----- | Director, Administration and /or the senior most Directors nominated by the Executive Chairman. |
| (b) Members Secretary | ----- | Joint Director, Administration. |
| (c) Members | ----- | 1) Joint Controller of Examinations. |
| | | 2) Joint Chief Accounts Officer. |
| | | 3) Deputy Director, ITES. |

(3) The committee(s) may invite any other person to attend the meeting, if and when considered necessary.

8. Procedure for Selection:- For the purpose of preparing the Select List for promotion to the posts under SSR 6, there shall be a Selection Committee consisting of the following members:-

- (a) Chairman Executive Chairman.
- (b) Members Heads of Concerned Department/Wings (other than Administration)
- (c) Member Secretary Director, Administration.

9. Procedure for Preparation of the Select Lists: - (1) At the beginning of each year, the Appointing Authority shall refer to the Committee the approximate number of vacancies likely to occur in each Service/cadre during the year. To enable the Committee to prepare the Lists for promotion to these grades/posts, the Appointing authority shall furnish the Committee with the Following documents namely:-

- (i) A list of the members of the Service drawn up in order of seniority and consisting as nearly as may be three times the number of vacancies referred to in Sub-SSR 11 (1);
- (ii) The Character Rolls and Service Record of such members; and
- (iii) Any other documents and information as may be considered necessary by the appointing Authority or required by the Committee.

(2) The Committee after examining the Character Rolls, Service Records and other documents in respect of all such persons, shall prepare a list based on seniority with due regard to individual merit and suitability. The numbers or persons to be included in the list shall be limited to the actual number of vacancies anticipated in the course of the period of 12 months commencing from the date of preparation of the list plus 25 per cent of such number or 3 whichever is greater. The list shall be forwarded by the Committee to the Appointing Authority.

(3) The names of persons in the list shall be placed in order of preference for promotion. In every case where a junior member is selected in preference to his senior, the Committee shall record in writing the reasons for doing so.

(4) For the purpose of appointment by promotion under SSR 6, the Appointing Authority shall consider the list prepared by the Committee along with the Character Rolls and Service Records and other documents in respect of each person in the list and unless it considers that any change is necessary, approve the list. If the Appointing Authority considers it necessary to make any change in the list received from the Committee it shall inform the Committee of the changes proposed and after taking into account the comments, if any, of the Committee, approve the said list finally with or without modification as may in its opinion will be just and proper.

(5) The list as approved under sub-SSR (4) above shall form the Select List for the purpose of appointment by promotion under SSR 6.

10. Validity of the Select List:- (1) The Select List shall remain in force for a period of one year unless its validity is extended with the approval of the Committee:

Provided that such an extension shall not be for a total period exceeding six month:

Provided further that in the event of any great lapse in the conduct of performance of duties on the part of any person in the Select List, the Appointing Authority may, if it thinks fit, remove the name of such person from the Select List in consultation with the Committee. The reason (s) for doing so shall be recorded in writing.

(2) The Committee shall meet once a year to review the Select List.

11. Probation:- (1) A person appointed to any post in the Services and/or other posts other than Executive Chairman including Ministerial cadres shall be on probation for the period of one/two year which period may, for good and sufficient reasons, be extended by the Appointing Authority, in individual case, by a total period not exceeding one year.

(2) Where the performance of duty by a person so placed on probation is not satisfactory or where the probationer is otherwise considered by the Appointing Authority to be unsuitable or unfit to hold the post he may, at any time during the period of probation or immediately at the end of it, be reverted to a next lower post.

12 (1) Junior Grade of Board's Service:- (1) The recruitment in the Junior Grade of the Board's Service shall be in the ratio of 80 (eighty) per cent by direct recruitment and remaining 20 (twenty) percent by promotion from amongst the immediate subordinate grade/level Officer in the respective line of promotion. Accordingly before the end of each year, the Board shall make an assessment regarding the vacancies to be filled up by direct recruitment and/ or by promotion, as the case may be.

(2) The Group 'C' and 'D' posts/cadres including Lower Division Assistant-cum-Computer Operators at SL 5,6 and 7 of schedule I, the vacancies shall be filled up by direct recruitment.

(3) The Competitive Examination(s) shall be held at such intervals as the Appointing Authority may from time to time, determine. The date/time on which and the place(s) at which the examinations is/are to be held shall be decided and fixed by the Services Staff Selection Committee(s) constituted for the purpose.

(4) The written Examination and interview shall be conducted by the Services Staff Selection Committee(s) in accordance with such syllabus and the manner as the Appointing Authority may prescribe and as specified in Schedule II, from time to time.

(5) Of the number of vacancies to be filled up on the results of each examination, there shall be reservation in favour of candidates belonging to Schedule Tribes to the extent and subject to the conditions as the laid down under the State Reservation Policy and/or order from time to time.

(6) On the basis of the results of the Competitive Examination, the Services Staff Selection Committee shall prepare a list of all successful candidates in order of merit, which shall be determined in accordance with the aggregate marks obtained by each candidate and if, two or more candidates obtain equal marks the committee(s) shall arrange them in order of their relative merit which shall be determined in accordance with the general suitability of the candidate for appointment of the post. The number of persons to be included in the list shall be according to the actual vacancies that are likely to be filled up plus 10 (ten) percent of the actual vacancies or 2 (two) names whichever is more. The list shall be forwarded to the Appointing Authority and published by the Board.

(7) The inclusion of a candidate's name in the list shall confer no right to appointment unless the Board is satisfied, after enquiry as may be considered necessary that the candidate is suitable in all respects for appointment to the Services/post and that appointment to any post in the service is subject to availability of vacancy.

(8) The Services/Staff Selection Committee(s) referred to at (1) above, shall consist of the following:-

(a) Service Selection Committee at the level of Junior Grade of the Service:-

Chairman	: Executive Chairman
Members	: (i) Chief Accounts Officer : (ii) Director, Administration : (iii) Chief Academic Officer
Member Secretary	: Joint Director, Administration

(b) Staff Selection Committee at the level of Lower Division Assistant and other Subordinate

Posts :-

Chairman	: Director, Administration
Members	: (1) Chief Accounts Officer : (2) Director Accreditation & Controller of examination : (3) Joint Director, ITES
Member Secretary	: Joint Director, Administration

13 Conditions of Eligibility for Appearing at the Competitive Examination:- (1) In order to be eligible to compete at the examination for direct recruitment, a candidate must satisfy the following conditions, namely:-

(a) Nationality: - He/She must be a citizen of India.

(b) Age: He/She must have attained the age of 18 years and must not have exceeded the age of 27 years on the first day of the year in which the advertisement for the recruitment to the Service/post is made.

Provided that in case of candidates belonging to Schedule Caste and Schedule Tribes, the upper age limit shall be subjected to any relaxation made by Government from time to time.

Provided further in the case of persons already in service under the Board, the age limits is relaxable up to 40 years inclusive of all age concessions.

(1) Educational Qualification:- He must hold a Bachelor's Degree in Arts/Science/Commerce from any recognized university or institution and/such qualification as may be prescribed by the Board from time to time.

(2) Other Qualification:- Practical experience or such experience as may be prescribed by the Board from time to time.

14. Disqualification for Appointment to the Service/Post:- (1) No person shall be appointed who, after medical examination as the Board may prescribe, if not found to be in good mental or bodily health and free from any physical defects or infirmity which may render him/her unfit in the discharge of his/her duties.

(2) No person shall be appointed to the service who had been convicted for any offence involving moral turpitude.

(3) No person who has more than one spouse living shall be eligible for appointment to the Service/post:

Provided that the Board may, if so satisfied that there are special grounds for doing so, exempt any person from the operation of the provision at (3) above.

(4) No person who attempt to enlist support for his/her candidature either directly or indirectly or by any recommendation either written or oral or by any other means, shall be appointed to the Service/post.

15. Appointment to the Service/Post:- (1) Appointment to any post in the Service under SSRs 6 and 12 shall be made by the Appointing Authority and shall be published in official notification or Office order.

(2) (i) Subject to the provisions of SSRs 12 (3) and 12 (5) appointment shall be made from time to time in order in which the names of the candidates appear in the Merit List prepared under SSR 12 (4).

(ii) A person appointed by direct recruitment shall join within 15 days from the date of receipt of the order of appointment, failing which, and unless the Appointing Authority extends the period of joining, which shall not in any case exceed three months, that appointment shall be cancelled.

(3) Appointment under SSR 6 shall be made in the order in which the names of candidates appear in the Select List approved by the Appointing Authority.

16. (1) Promotion as Junior Grade of the Board's Service:- Subject to suitability as may be decided by the Services Selection Committee and by the Appointing Authority, an Officer belonging to the corresponding cadre/grade of the Board's Subordinate Service and possessing the prescribed qualifications shall be promoted to the cadre of Junior Grade of the Board's Service in the manner herein provided.

(2) The vacancies to be filled up by promotion shall be fixed in term of Regulation 12 (1). A member holding the post of Registrar/Superintendent/Assistant Superintendent/ Internal Auditor/Upper Division Assistant/Assistant System Analyst shall be eligible for promotion subject to the following;

(a) He/She has rendered a minimum of 8 years of service on the first day of January of the year of promotion.

(b) He/She has successfully undergone the training, if any, and passed the departmental examination as prescribed by the Board, from time to time.

17. Seniority:- (1) The interse seniority of the Members of the Service in any cadre appointed on or after 2012 but before the commencement of these regulations shall be in the order in which their names appeared in the respective lists prepared by the Appointing Authority.

(2) The interse seniority of the Members of the Service appointed in different cadres/posts after the commencement of these regulations shall be in the order of their names as appeared in the Select List as the case may be. Provided that the Accounts Cadre and Information Technology and Enable Service Cadre (ITES) shall for all purposes be outside the "Board's Combined Service" i.e Administration, Academic, Accreditation and Examination.

Provided that in any cadre, a member of the Service/person appointed by promotion shall be senior to Member/persons appointed by direct recruitment where such appointment falls in the same year.

(3) If confirmation of any member of the Service is delayed on account of his failure to qualify for such confirmation, he shall lose his position in order or seniority vis-à-vis such of his juniors in his grade as may be confirmed earlier than him. His original position in that particular cadre shall, however, be restored on his confirmation subsequently.

18. Confirmation:- Confirmation of a Member/person in a cadre shall be made according to his/her seniority in the cadre subject to the following conditions:-

(a) That he/she has successfully undergone the training course, if any, prescribed by the Appointing Authority from time to time;

(b) That he/she is considered otherwise fit for confirmation by the Appointing Authority;

(c) That there is no departmental proceedings/vigilance enquiry against him/her; and,

(d) Subject to availability of vacancy.

19. Gradation List:- There shall be prepared and published annually an upto date Gradation List as on 1st January consisting of the names of all Members of the Services/Grades, cadre-wise and drawn up in order of seniority and other particulars relating to the date of birth and appointment in the Service/post/grade, educational qualification and such other details relevant to the Service career shall be indicated against each name.

20. Time Scale Pay:- The time-scales pay admissible to the Members of Service or posts/grades under the Board's employment shall be as shown in Schedule 1 subject to revision from time to time.

21. Fixation of Pay in Time Scale Pay:- (1) Except as otherwise admissible under the Service Regulations or under special orders of the Board, on first appointment to the service, the pay of any Member/person shall be fixed at the minimum of the Time Scale of Pay.

(2) On promotion from one cadre/grade of post to another in the Service/Cadre, the pay shall be fixed in accordance with the principles governing such fixation in the Board's Service Regulations or any other rules/regulations for the time being in force.

22. Leave, Pension and other Conditions of Services:- Except as provided under these Supplementary Regulations and the Board's service regulations and such other rules/regulations, all matter generally relating to pay and allowances, leave, pension and other retirement benefits, discipline and other conditions of Service shall be regulated by the general regulations and/or orders made by the Board from time to time.

23. Power to Dispense with or Relax any Rules/Regulations:- Where the Board is satisfied that the operation of any of the provisions of these regulations will cause undue hardship in any particular case the Board at a meeting may dispose or relax the requirement of any of these regulations to such extent and subject to such conditions as may be considered necessary for dealing with the case in a just and equitable manner.

Provided that the case of any person shall not be dealt with in any manner less favourable to him/her than that provided under these regulations.

24. Interpretation: - If any question arises as to the interpretation of these regulations, the decision of the Board shall be final.

25. Repeal and Savings: - All rules, regulations, orders or notifications corresponding to any in force immediately before the commencement of these regulations are hereby repealed-

Provided that all orders made or action taken under the rules, regulations, orders or notifications so repealed or any action taken in pursuant thereto shall be deemed to have validity made or taken under the corresponding provisions of these regulations.



PRAVIN BAKSHI,
Executive Chairman,
Meghalaya Board of School Education,
Tura.

Schedule I

SSR 5(2)

Sanction Strength and time of pay as on.....

Sl No.	Category of Post/Grade	Scale of Pay	No of Posts		Appointing Authority/Remarks
			Permanent	Temporary	
(1)	(2)	(3)	(4)	(5)	(7)
	<u>MBOSE Cadre Officers</u>				
1.	<u>Higher Administrative Grade</u> 1) Executive Chairman 2) Principal Director				GOVERNMENT
2.	<u>Selection Grade</u> (1) Director, Admin/Regional (2) Director, Accreditation & Controller of Examination (3) Chief Academic Officer (4) Chief Accounts Officer	CADRE POST Rs.31300-940-37800-1100-46760/- -do- -do- -do- -do-		1 1 1 1 1	GOVERNMENT -do- -do- -do- -do-
3.	<u>Senior Grade-I</u> 1. Jt. Director, Administration 2. Jt. Controller of Examination (HSSLC/SSLC) 3. Jt. Chief Academic Officer 4. Jt. Chief Accounts Officer 5. Jt. Director, ITES	Rs.26700-33100-1000-42100/- -do- -do- -do- -do- -do-		2 3 1 1 1	BOARD -do- -do- -do- -do- -do-
4.	<u>Senior Grade - II</u> 1. Dy. Director, Administration 2. Dy. Controller of Exam (HSSLC/SSLC) 3. Dy. Chief Academic Officer 4. Dy. Chief Accounts Officer. 5. Dy. Directors, ITES	Rs.23300-700-2750-830-32480-970-39270/- -do- -do- -do- -do- -do-		2 3 1 1 1	-do- -do- -do- -do- -do-

5.	Junior Grade:- 1. Asstt. Director, Administration 2. Asstt. Controller of Examination (HSSLC/SSLC) 3. Academic Officer (Arts/Science/Commerce/Vocational) 4. Accounts Officer 5. System Analyst.	Rs.18,300-500-21000-E-650-2700-810-35100/- -do- -do- -do- -do- -do-	2 6 4 2 2	-do- -do- -do- -do- -do-
6.	Ministerial/Subordinate post/Grade 1. Registrar 2. Superintendent 3. Asstt. Superintendent 4. Internal Auditor 5. Upper Division Assistant 6. Lower Division Assistant-cum-computer operator	Rs.16300-110-19170-EB-530-23940-720-31860/- Rs.14700-370-17290-EB-480-21610-650-28760/- Rs.14100-350-16550-EB-460-20690-620-27510/- Rs.14100-350-16550-EB-460-20690-620-27510/- Rs.13100-330-15410-EB-420-19190-580-25570/- Rs.9900-250-11650-EB-320-14530-440-19370/-	1 9 - - 14 56	Board -do- -do- -do- -do- -do- -do-
7.	1. Asstt. System Analyst 2. Caretaker 3. Assistant Caretaker 4. Storekeeper 5. Electrical Supervisor 6. Electrician 7. Offset Operator 8. Driver	Rs.14100-350-16550-EB-460-2090-620-27510/- Rs.9900-250-11650-EB-320-14530-440-19370/- Rs.9900-250-11650-EB-320-14530-440-19370/- Rs.9900-250-11650-EB-320-14530-440-19370/- Rs.13100-330-15410-EB-420-19190-580-25570/- Rs.8300-210-9770-EB-270-12200-370-16270/- Rs.8300-210-9770-EB-270-12200-370-16270/- Rs.7700-190-9030-EB-250-11280-340-15020/-	2 1 1 1 1 1 2 12	-do- -do- -do- -do- -do- -do- -do- -do-
8.	Group 'D' Staff:- 1. Duftry 2. Peon 3. Chowkidar 4. Cleaner 5. Mali 6. Cook 7. Sweeper (Safaiwala) 8. Handyman	Rs.7100-180-8360-EB-230-10430-310-13840/- Rs.6500-160-7620-EB-210-9510-290-12700/- Rs.6500-160-7620-EB-210-9510-290-12700/- Rs.6500-160-7620-EB-210-9510-290-12700/- Rs.6500-160-7620-EB-210-9510-290-12700/- Rs.6500-160-7620-EB-210-9510-290-12700/- Rs.6500-160-7620-EB-210-9510-290-12700/- Rs.6500-160-7620-EB-210-9510-290-12700/-	1 36 6 6 1 1 3 2	-do- -do- -do- -do- -do- -do- -do- -do-

(10)
Schedule II
SSR 6 and 12 (2)

Sl No.	Designation /Grade	Method of recruitment	Direct recruitment			Person eligible for/promotion/appointment	Experience	Remarks
			Educational Qualification	Lower	Upper			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	
1.	Higher Administrative Cadre 1) Executive Chairman	Government	.....	.....	.....	1) Academician/ Educationist / Senior Civil Service Officer (Commissioner Secretary level and above) 2) Senior Civil Service Officer.		
	2) Principal Director	Government	.....	.....	.....
2.	Selection Grade Officer	By Government through Selection/ Deputation or both.	Senior Grade I of the respective cadres as laid down in Para 6 (i) with proviso therein.	.....	.....	Senior Grade-I Officers	1. Must have rendered not less than 4(four) year of continuous service in Senior Grade-I.	
3.	Senior Grade-I Officer	Promotion	.....	.....	.....	Senior Grade-II Officers	1. Must have rendered not less than 4(four) year of continuous service in Senior Grade-II.	

4.	Senior Grade-II Officers.	Promotion	.....	.....	.....	Senior Grade-III Officers	1. Must have rendered not less than 4(four) year of continuous service in Junior Grade.
5.	Junior Grade Officer: 1. Asstt. Director, Admn 2. Asstt. Controller of Examinations(HSSLC/SSLC) 3. Academic Officer 4. Accounts Officer 5. System Analyst	(a) 80% of the vacancies by direct Recruitment (b) 20 % of the vacancies by promotion	Post Graduate Degree in Arts/Science/Commerce/Comp. Application. Post Graduate Degree in Arts/Science/Commerce/ Comp. Application	21 Years 	27 years 45 years	..... .....	1. 5 (five) years of Teaching experience in School. 1. Must have rendered not less than 8 (eight) years in group 'B' or 'C' posts/grade.
6.	Assistant System Analyst	Direct Recruitment	BCA or its equivalent	18 years	27 years	.....	BCA or its equivalent having 2 (two) years work experience.
7.	Ministerial Staff: 1. Registrar 2. Superintendent 3. Assistant Superintendent 4. Internal Auditor 5. Upper Division Assistant 6. Lower Division Assistant – cum-computer operator	Promotion Promotion Promotion Promotion Promotion Direct Recruitment	Degree in Arts/Science/Commerce.	18 years	27 years	Superintendent Assistant Superintendent. Internal Auditor U.D. Assistant L. D. Assistant.....	..............................

8.	Caretaker/Asstt. Caretaker/ Storekeeper	Direct Recruitment	PUC/HSSLC	18 years	27 years	.....	.....
9.	Electrical Supervisor	-do-	Diploma in Electrical Engineering	18 years	27 years	.....	.....
10.	Electrician	-do-	Trade certificate in electrical works	18 years	27 years	.....	.....
11.	Offset operator	-do-	Trade Certificate	18 years	27 years	.....	.....
12.	Driver	-do-	Trade certificate	18 years	27 years	.....	.....
13.	Group 'D' Posts (1) Dufry	Promotion	.....	.....	.....	Peon on seniority basis	.....
	(2) All group of 'D' grade	Direct recruitment	Class VIII passed	18 years	27 years	.....	.....

Meghalaya Board of School Education Services (Conduct) Regulations, 2015 has been approved by the Government of Meghalaya *vide* letter No. No.EDN.271/2009/144, dated Shillong, the 11th August, 2015.



PRAVIN BAKSHI,
Executive Chairman,
Meghalaya Board of School Education,
Tura.

THE MEGHALAYA BOARD OF SCHOOL EDUCATION SERVICES (CONDUCT) REGULATIONS -----

In exercise of the powers conferred by Sections 12 and 23 of the Meghalaya Board of School Education Act 1973, read with SR 10 (1) of the Meghalaya Board of School Education Employees' Service Regulations, 2016 and subject to any general or special orders of the State Government, the following Regulations are hereby Published.

1. **Short title, commencement and application:-**

- (1) These regulations may be called "**Meghalaya Board of School Education Services (Conduct) Regulations 2016**".
- (2) They shall come into force on and from such date as notified in the Official Gazette.
- (3) Save as otherwise provided in these regulations they shall apply to every person appointed to a service or post in connection with the affairs of the Board.
Provided that nothing contained in these regulations shall apply to any Board employee who is:
 - (a) A member of the all India Service or State Government Services; or,
 - (b) A holder of any post in respect of which the Board may be a general or special order, direct that these regulations shall not apply.

2. **Definitions:** - In these regulations, unless the context otherwise requires:--

- (a) "Appointing authority" in relation to a Board employee means the authority empowered to make appointment to the service or post held by him for the time being.
- (b) Board means the Meghalaya Board of School Education.
- (c) "Members of the family" in relation to Board employee means---

- (i) The wife or husband, as the case may be, of the Board employee, whether residing with the Board employee or not but does not include a wife or husband, as the case may be, separated from the Board employee by a decree or order of a competent court;
- ii) Son or daughter or step – son or step – daughter of the Board employee and wholly dependent on him, but does not include any one of the above who is no longer in any way dependent on the Board's employee or of whose custody the Board employee has been deprived by or under any law; and,
- iii) Any other person, whether by blood or marriage to the Board employee or to the Board employee's wife or husband, as the case may be and who is wholly dependent on the Board employee.

3. **General:--**

(1) Every Board employee shall at all time---

- (i) Maintain absolute integrity;
- (ii) Maintain devotion to duty; and,
- (iii) Do nothing which is unbecoming of a Board employee.

- (2) (i) Every Board employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Board employee for the time being under his control and authority.
- (ii) No Board employee shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his best judgment except when he is acting under the direction of his official superior.

NOTE: - The direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided, as far as possible. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter. A Board employee who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.

Explanation 1:- A Board employee, who takes part in a demonstration of any kind in a public street which interferes with the movement of people or traffic or involves any other offence, shall be deemed to be behaving in a manner which is improper and unbecoming of a public servant and derogatory to the prestige of the Board.

Explanation 2:- Any Board employee who, while present on any premises including any open space under the control of the Board or of the Government, holds or participates in meeting without prior permission of the competent authority or holds any demonstration or

raises any slogan or indulges in objectionable writings or disorderly conduct or interferes in any way with the smooth running of public work, shall be deemed to be behaving in a manner which is improper and unbecoming of a public servant and derogatory to the prestige of the Board.

Explanation 3:- Any Board employee who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty within the meaning of Clause (ii) of sub-regulation(1)

Explanation 4:- Nothing in Clause (ii) of sub-regulation (2) shall be construed as empowering a Board employee to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

4. **Consumption of intoxicating drinks and drugs and indulgence in vicious habits: - A Board employee shall—**

- (a) Strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may be for the time being
- (b) Not be under the influence of any intoxicating drinks or drugs during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;
- (c) Refrain from consuming any intoxicating drink or drug in a public place.
- (d) Not appear in a public place in a state of intoxication;
- (e) Not use any intoxicating drink or drug in excess; and,
- (f) Not indulge in fornication, gambling or other vicious habit which may tend to reduce his efficiency and utility as a public servant or damage him or the Board in public esteem.

Explanation 1:- For the purpose of this regulation, “Public Place” means any place or premises (including a conveyance) to which the public have, or are permitted to have access, whether on payment or otherwise.

Explanation 2:- The term “Public Place” also means any places to which public, either on payment of some consideration or otherwise has a right to access and includes hotels, bar, restaurant, mess, club, cinema or theater, etc. Thus, for determination of the question whether any place or premises should be a “Public Place” within the meaning of the rule, the accessibility of the place or premises to members of the public is the deciding factor. In other words, even in the case of clubs exclusively open to members only, if

non-members are permitted by the clubs to be invited as guests of members; it would legally amount to the club authorities permitting access to the public, then the club will be a public place not only for the non-members guests but also for the members so that the restriction as to consuming any intoxicating drinks or drugs would be attached to the latter also.

- NOTE.- (i) Every Board employee should scrupulously adhere to the provisions of the Conduct Regulations relating to the consumption of intoxicating drinks or drugs;
- (ii) The disciplinary authorities should keep a strict watch on the conduct of Board employees in regard to matters covered by the aforesaid provisions of the Conduct Regulation; and
- (iii) The disciplinary authorities should take a very serious view of any violation of Reg. 4 and should not hesitate to impose the severest punishment on such Board employees who are proved guilty of violating the said regulation.

5. **Taking Part in Politics and Elections:**

- (1) No Board employee shall be a member of or otherwise be associated with, any political party or any organization which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.
- (2) If any question arises whether a party is a political party or whether any organization takes part in politics or whether any movement or activity falls within the scope of sub- regulation (1), the decision of the competent authority thereon shall be final.
- (3) No Board employee shall canvass or otherwise interfere with or use his influence in connection with or take part in, an election to any legislature or local authority:
Provided that---
 - (i) A Board employee qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted; and
 - (ii) A Board employee shall not be deemed to have contravened the provisions of this sub-rule by reason only that assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

NOTE 1: The display by a Board employee on his person or vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this rule.

NOTE 2: A Board employee who has reason to believe that attempts are being made to induce him to break the provisions of this rule by or on behalf of an official superior or superiors; he shall report the facts to the Executive Chairman.

NOTE 3: Proposing or seconding the nomination of a candidate at an election or acting as Polling Agent shall be deemed as an active participation in the election.

NOTE 4: (i) It is the duty of the Board employee who wishes to join, or take part in the activities of any association or organization, positively to satisfy himself that its aims and activities are not of such a nature as are likely to be objectionable under Reg. 5

(ii) The responsibility for the consequences of his decision and action must rest squarely on his shoulders and that a plea of ignorance or misconception as to the attitude towards the association or organization would not be tenable. It should also be noted that in cases where the slightest doubt exists as to whether participation in the activities of an association or organization involves an infringement of Reg. 5, the Board employee would be well advised to consult his official superiors.

NOTE 5: (1) Attendance at meeting, organized by a political party would always be contrary to Reg.5 (1) unless all the following conditions are satisfied---

(a) That the meeting is a public meeting and not in any sense a private or restricted meeting;

(b) That the meeting is not held contrary to any prohibitory order or without permission where permission is needed, and

(c) That the Board employee in question does not himself speak at, or take active or prominent part in organizing or conducting the meeting.

(2) Even where the said conditions are satisfied, while occasional attendance at such meetings may not be construed as participation in a political movement, frequent or regular attendance by a Board employee at meetings of any particular political party is bound to create the impression that he is a sympathizer of the aims and objects of that particular political party and that in his official capacity he may favour or support the members of that party. Conduct which gives cause for such an impression may well be construed as assisting a political movement.

(3) Board employee have ample facilities through the medium of the press, etc., to keep themselves informed regarding the aims, objects and activities of the different political parties and to equip themselves to exercise intelligently their civic rights, e.g., the right to vote at elections to legislature or Local Self Government Institutions.

6. **Joining of Associations by the Board Employees.**--- No Board employee shall join, or continue to be a member of an association, the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India or public order or morality.

7. **Demonstration and Strikes.**--- No Board employee shall—

(i) Engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign states, public

order, decency or morality, or which involves contempt of court, defamation or incitement to an offence, or

(ii) Resort to or in any way abet, any form of strike or coercion or physical duress in connection with any matter pertaining to his service or any other Board employees.

NOTE 1- "Strike" means refusal to work or stoppage or slowing of work by a group employees acting in combination and includes:

- (i) Mass abstention from work without permission, which is wrongly described as "mass casual leave".
- (ii) Refusal to work overtime where such overtime work is necessary in the public interest;
- (iii) Resort to practices or conduct which is likely to result in the cessation or substantial retardation of work in any organization. Such practices would include, what are called "go-slow", "sit down", "pen-down", "stay-in", "token", "sympathetic" or any other similar strike; as also absence from work for participation in a bandh or any similar movements. Board employees who resort to action of the above kind violate Reg. 7(ii) and disciplinary action can be taken against them. It may be noted that the list of activities which are covered under the definition of strike as enumerated above is only illustrative and not exhaustive.

NOTE 2- "Gherao" involves forcible confinement of public servants within office premises by surrounding their places of duty and organizing demonstrations/meetings both within office premises during office hours and also outside the office premises beyond office hours. Such demonstrations and activities are prejudicial to public order and also involve criminal offences like wrongful restraint, wrongful confinement, criminal trespass or incitement to commit offences. They are also subversive of discipline and harmful to the public interest, and participation in them by Board employees amount to conduct wholly unbecoming of Board employees and would constitute good and sufficient reasons that serious view should be taken of such acts of lawlessness and insubordination on the part of the public servants. And as such, it is advisable to take action on the following lines in such cases.

- (i) Disciplinary action should be taken against the prominent participants in the "Gherao" for contravention of Reg. 3 and 7. In the charge sheet to be served in pursuance of such disciplinary action, it should be specified to the extent that the facts justify, that demonstration prejudicial to public order and involving criminal offence, namely wrongful restraint, wrongful confinement, criminal trespass and incitement to such offences, have been held; that such conduct was subversive of discipline and harmful to the public interest; and that the conduct was wholly unbecoming of Board employee.
- (ii) Absence from work on account of participation in "Gherao" should in all cases be treated as unauthorized absence involving break in service. The absence should not be regularized as leave of any kind.

- (iii) Whenever there is a case of “Gherao”, wrongful restraints wrongful confinement or criminal trespass or of any other cognizable offence, a written report should be made to the officer-in-Charge of the Police Station having jurisdiction, requesting him to register the offence and to take action under the law. The names of the offenders to the extent known and of the responsible witnesses to the offence should be included in the written report. Copies of the report should be endorsed to the Superintendent of Police, Deputy Commissioner of the District and the Home Secretary of the State Government concerned for necessary action according to law.
- (iv) If, notwithstanding the mandatory provisions of the Criminal procedure Code, Police take no action on such a report, action should be taken promptly to file a complaint before the appropriate magistrate in respect of the substantive offences under the Indian Penal Code or other laws. In certain circumstances, a petition could be filed before the High Court for issue of the appropriate writ, but this should be done after taking legal advice.

8. **Criticism of the Board.**--- No Board employee shall, in any radio broadcast or electronic media or in any document published in his own name or anonymously, pseudonymously or in the name of any other person or in any communication to the press or in any public utterance, make any statement of fact or opinion---

(i) Which has the effect of an adverse criticism of any current or recent policy or action of the Board or of the Central Government or a State Government:

Provided that nothing contained in this clause shall apply to bonafide expression of views by a Board employee as an office – bearer of a trade union of such Board employees for the purpose of safeguarding the conditions of service of such Board employees or for securing an improvement thereof; or

(ii) Which is capable of embarrassing the relations between the Board and Central Government and / or the Government of State; or

(iii) Which is capable of embarrassing the relations between the Central Government and the Government of any foreign State

Provided that nothing in this regulation shall apply to any statement made or views expressed by a Board employee in his official capacity or in the due performance of the duties assigned to him.

9. **Evidence before Board or any other Authority.**--- (1) Save as provided in sub-reg. (3), no Board employee shall, except with the previous sanction of the Board, give evidence in connection with any enquiry conducted by any person, committee or authority.

(2) Where any sanction has been accorded under sub-reg. (1), no Board employee giving such evidence shall criticize the policy or any action of the Board or of the Central Government or the Government of any other State.

(3) Nothing in this rule shall apply to ---

- (a) Evidence given at an enquiry before an authority appointed by the Board, Government, by the Parliament or by a State Legislature, Or
- (b) Evidence given in any judicial enquiry; or
- (c) Evidence given at any departmental enquiry ordered by authorities subordinate to the Board.

NOTE.— (i) Board employees who are interviewed by the Commission/Committee are free to give frank expression to their personal views. No permission of the Board is required for the purpose. But evidence tendered before the Commission/Committee should not be given publicity as that would amount to public criticism of the Board or of the Government or unauthorized communication of information.

(ii) Board employees who appear before the Pay Commission/Committee on behalf of Service Associations may do so without the prior permission of the Board, if so authorized by the Service Associations whom they represent. There is no objection to individual Board employees submitting Memorandum, etc., to the Pay Commission/Committee, in their individual capacity, provided that individual grievances will not be put to the Commission/Committee.

(iii) Factual information as the Commission/committee may ask for, should be supplied to them by every department or office of the Board. They should also furnish, wherever necessary, the reasons for the decision taken by the Committee in the past or circumstances in which certain action was taken. This would help the Commission/committee to understanding the policy of the committee as it has emerged from time to time.

10. **Unauthorised Communication of Information.**--- No Board employee shall, except in accordance with any general or special orders of the Board or in the performance in good faith of the duties assigned to him, communicate directly or indirectly to Board employees belonging to other departments, or to non-official persons, or to the press any document or information which has come into his possession in the course of his public duties, or has been prepared or collected by him whether from official sources or otherwise.

NOTE 1.--- Quotation by Board employee (in his personal representation to the Head of office or such other higher authorities) of or from any letter, circular or office memorandum or from the notes or any file, to which he is not authorized to have access, or which he is not authorized to keep in his personal custody or for personal purposes, shall amount to unauthorized communication of information within the meaning of this rule.

NOTE 2.--- Private correspondence with foreign Embassies/Missions/High Commissions should be avoided. Similarly, no private or personal correspondence on matters of an official nature should be entered into directly with members of foreign missions in India.

11. **Employment of near relatives of Board employees in companies or firms---**

(1) No Board employees shall use his position or influence directly or indirectly to secure employment for any member of his family in any company or firm.

(2) No group "A" Officer, except with the previous sanction of the Board, permit his son, daughter or other dependent, to accept employment in any company or firm with which he has official dealings or in any other company or firm having official dealings with the Board.

Provided that where the acceptance of the employment cannot await prior permission of the Board or is otherwise considered urgent, the matter shall be reported to the Board and the employment may be accepted provisionally subject to the sanction of the board.

(3) A Board employee shall, as soon as he becomes aware of the acceptance by a member of his family of an employment in any company or firm, intimate such acceptance to the appointing authority and shall also intimate whether he has or had any official dealings with the company or firm.

Provided that no such intimation shall be necessary in the case of a Group "A" Officer if he has already obtained the sanction of, or sent a report to the Board under Sub-Reg. (2)

(4) No Board employee shall in the discharge of his official duties deal with any matter or give or sanction any contract to any company or firm or any other person if any member of his family is employed in that company or firm or under that person or if he or any member of his family is interested in such matter or contract in any other manner and the Board employee shall refer every such matter or contract to his official superior and the matter or contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.

NOTE.---It has been decided that whenever a proposal arises for the award of a contract or exercise of patronage in favour of any company or firm in which a son, daughter or a dependent of an officer is employed, this fact should be declared by the Officer concerned and he should thereafter desist from dealing with the case himself. In such circumstances a recommendation should be made that the case should be decided by another officer of equivalent or superior standing.

12. **Private Trade or Employment.---**(1) No Board employee shall, except with the previous sanction of the Board, engage in any trade or undertake any employment other than his public duties or carry or directly or indirectly any business or undertaking or use his position as a Board employee to help such business or undertaking.

(2) A Board employee may undertake honorary work of a social or charitable nature or work of a literary, artistic or scientific character, provided that his official duties do not suffer thereby but the appointing authority may, in its discretion, at anytime, forbid him to undertake , or require him to

abandon any such work, if it in its opinion undesirable or likely to occupy so much of his time as to interfere with his official duties.

NOTE 1--- Promoting the sale of shares of companies as defined in the Companies Act, 1956 or taking up insurance agencies will be regarded as carrying on business for the purpose of sub-ruled (1). Canvassing by a Board employee in support of the business of
(a) Companies as defined in the Companies Act, 1956 and (b) An insurance agency, commission agency, etc., owned managed by his wife or any other member of his family shall also be regarded as a breach of sub-rule (1)

NOTE. 2--- An honorary chairmanship or honorary secretary ship of philanthropic, charitable, religious or social or co-operative societies is not employment within the meaning of this rule. The secretary ship of a club consisting mainly of board employees does not constitute employment in the sense of this rule, provided that it does not occupy so much of an officer's time as to interfere with his official duties and that it is an honorary office; In all these case, however, the Board employee may be cautioned by his immediate superior.

(3) Unless otherwise provided by general or special orders, Board employee may accept any fee for any work done by him for any private body or any private person with the sanction of the competent authority.

NOTE-- The term 'fee' used herein above shall have the meaning assigned to in Reg. 9(17) of the Service Rules.

13. **Use of Board Vehicles and Safes--** Subject to any rules and orders made in this behalf, no Board employee shall use or permit any member of his family to use a Board vehicle not meant for his use even on payment of cost of petrol, oil, lubricants, etc., nor shall he use or permit any member of his family, to use any Board safe for the custody of his personal valuable.

14. **Employment of Official Subordinates--** No Board employee shall employ or engage any official subordinate on regular domestic work

15. **Investment, Lending and Borrowing.—**(1) No Board employee shall speculate in any stock, share or other investment.

Explanation.—(i) The habitual or frequent purchase or sale or both, of shares, securities or other investments shall be deemed to be speculation within the meaning of this sub regulation.

(ii) Regular participation in gambling or turf.

(2) No Board employee shall make, or permit any member of his family or any person acting on his behalf or through any "Benamdar" make any investment which is likely to embarrass or influence him in the discharge of his official duties.

(3) If any question arises whether any transaction is of the nature referred to in sub-reg.(1) or sub-reg.(2), the decision of the Board thereon shall be final.

(4) No Board employee shall, save in the ordinary course of business with a bank or public limited company, either himself or through any member of his family or any other person acting on his behalf.---

- (a) Lend or borrow or deposit money, as a principal or an agent, to or from, or with, any person or firm or private limited company within the local limits of his authority or with whom he is likely to have official dealings or otherwise place himself under any pecuniary obligation to such person or firm or private limited company; or
- (b) Lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid:

Provided that a Board employee may give to, or accept from a relative or a personal friend a purely temporary loan of small amount free of interest, or operate credit account with a bonafide trade man or make an advance of pay to his private employee:

Provided further that nothing in this sub-reg. shall apply in respect of any transaction entered into by a Board employee with the previous sanction of the Board.

(5) When a Board employee is appointed or transferred to a post of such nature as would involve him in the breach of any of the provisions of sub-reg. (2) or sub-reg. (4), he shall forthwith report the circumstances to the competent authority and shall thereafter act in accordance with such order as may be made by such authority.

NOTE 1.- It is not possible to define the term "small amount" comprehensively. Each case should be decided on merits, and in deciding such cases the status of the individual concerned and the amount involved should be taken into account.

NOTE 2. — No sanction of the Board will be necessary for borrowing even large amount of money from personal friends or other residing outside the local limits of authority of the Board employee and with whom he is not likely to have any official dealings. The Board employee should, however, keep in mind the provisions of Reg. 16, namely, that "a Board employee shall so manage his private affairs as to avoid habitual indebtedness or insolvency".

NOTE 3. — Where a Board employee stands surety for loans taken by his official superiors or their friends or relatives, it might create an impression that official pressure has been exerted for this purpose. Apart from this, the superior officer will be putting himself under obligation to the subordinate and such a situation is not conducive to efficient office management and maintenance of discipline. It has, therefore, been decided that all officers should be instructed not to approach the subordinate for standing surety for loans from private sources either by them or by their relative or friends.

16. **Insolvency or Habitual Indebtedness** --- (1) A Board employee shall so manage his private affairs as to avoid insolvency or habitual indebtedness. A Board employee against whom any legal proceedings is instituted for the recovery of any debt due from him or for adjudging him as an insolvent, shall forthwith report the full facts of the legal proceedings to the Board.

(2) Where a Board employee has been adjudged an insolvent or when a part of the salary of the Board employee is being repeatedly attached or has been continuously under attachment for a period exceeding two years, or is attached for a sum which in ordinary circumstances, cannot be repaired within a period of two years, the matter shall be reported by the immediate superior of the Board employee concern to the appointing authority of the said Board employee. The report shall show what is the proportion of debts to the salary; detract from the debtor's efficiency as a Board employee; whether the Board employee's position is irretrievable; and whether in the circumstances of the case, it is desirable to retain him in the post occupied by him at the time when the matter was brought to notice or in any other post under the Board. The proceedings referred to above should be submitted for orders of the appropriate authority through usual channel. In case the authority immediately superior to the insolvent Board employee is himself the appropriate punishing authority, the proceedings should be disposed of by him.

(3) In every case under this rule, the burden of proving that the insolvency or habitual indebtedness is the result of circumstances which, with the exercise of ordinary diligence, the debtor could not have foreseen or over which he had no control and has not proceeded from extravagant or dissipated habits, shall be upon the debtor Board employee.

17. **Moveable, Immovable and Valuable Property**. --- (1) Every Board employee shall on his first appointment to any service or post and thereafter at such intervals as may be specified by the Board, submit a return of his assets and liabilities in such form as may be prescribed by Board, giving the full particulars regarding:-

(a) The immovable property inherited by him, or owned or acquired by him or held by him on lease or mortgage, either in his name or in the name of any member of his family or in the name of any other person;

(b) Share, debentures and cash including bank deposits inherited or acquired by him; and,

(c) Debts and other liabilities incurred by him directly or indirectly.

NOTE 1 --- Sub- Reg. (1) shall not ordinarily apply to Group “D” employees but the Board may direct that it shall apply to any such Board employee or Class of such Board employees.

NOTE 2 --- In all returns, the values of items of movable property worth less than Rs. 3, 000, 00 (Rupees Three Lakhs Only) may be added and shown as a lump sum. The value of articles of daily uses, such as, clothes, utensils, crockery, books, etc. need not be included in such return.

(2) No Board employee shall, except with the previous knowledge of the competent authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family:

Provided that the previous sanction of the competent authority shall be obtained by the Board employee if any such transaction is with a person having official dealings with him or otherwise than through a regular or reputed dealers.

(3) Where a Board employee enters into a transaction in respect of movable property either in his own name or in the name of any member of his family, he shall report the same to the competent authority, if the value of such property exceeds Rs. 3, 000, 00 (Rupees Three Lakhs Only) in case of employees holding/post service other than Group D, and in whose case, the limit of transaction shall be Rs. 2, 000, 00 (Rupees Two Lakhs Only).

Provided that the previous sanction of the competent authority shall be obtained by the Board employee if any such transaction is with a person having official dealings with him or otherwise than through a regular or reputed dealers.

(4) The Board or the prescribed competent authority may, at any time, by general or special order, require a Board employee to furnish, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or any member of his family as may be specified in the order. Such statement shall, if so required by the Board or by the competent authority include the details of the means by which, or the source from which, such property was acquired.

NOTE --- The return as mentioned in sub-reg. (1) and or the statement as mentioned in sub- Reg. (4) must be certified by the Board employee as true to the best of his knowledge and belief.

(5) Any Board employee concealing any of his asset or liabilities which he is liable to declare under sub-Reg. (1) or sub — Reg. (4) shall be liable to disciplinary action provided that bonafide commission or mistakes shall not make him so liable.

(6) If any Board employee or any other person on his behalf or any member of his family is found in possession of pecuniary resources or property which appear to the Board to be disproportionate to his known sources of income, the Board shall presume, unless the contrary is proved, that the Board employee acquired such property by dishonest means and the Board shall take such action against the Board employee concerned as it deem necessary.

(7) The Board may exempt any category of Board employees belonging to Group "D" Service from any of the provisions of this regulation.

NOTE. --- (1) The first return in respect of the Board employee on his first appointment to any service or post shall be as on the date of such appointment and shall be submitted within three months from that date and thereafter at an interval of five years covering each calendar year (i.e., 31st December of the relevant year) on or before the 31st March of the year immediately following the year to which the return relates.

NOTE. --- (2) Every return shall be handled as secret document.

Explanation--- Movable properties "include:

- (i) Shares, securities, debentures, jewellery. and insurance policies, the annual premium of which exceeds Rs. 3,000,00 (Rupees Three Lakhs Only) or one —sixth of the total annual emoluments received from the Board, whichever is less;
- (ii) Loan advanced to such Board employees whether secured or not;
- (iii) Motor cars, motor cycles, or any other means of conveyances;
- (iv) Refrigerators, radios, radiograms, television sets and such other items of properties as may prescribed by the Board.

18. **Restriction in relation to acquisition and disposal of immovable property outside India and transactions with foreigners.** --- Notwithstanding anything contained in sub-Reg. (2) of Reg. 17, no Board employee shall except with the previous sanction of the competent authority;

- (a) Acquire by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family, any immovable property outside India,
- (b) Dispose off, by sale, mortgage, gift or otherwise or grant any lease in respect of any immovable property situated outside India which was acquired or is held by him either in his own name or in the name of any member of his family,
- (c) Enter into any transaction with any foreigner, foreign Government, foreign organization or concerned:

(i) For the acquisition by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any of his family member, of any immovable property; and

(ii) For the disposal off by sale, mortgage, gift or otherwise, or the grant of any lease in respect of any immovable property which was acquired or is held by him either in his own name or in the name of any member of his family.

19. **Subscriptions.** --- No Board employee shall, except with the previous permission of the Board, ask for or accept contribution to, or otherwise associate himself with the raising of, any funds or other collections in cash or in kind in pursuance of any object whatsoever
20. **Gift.** --- (1) Save as otherwise provided in this regulation Board employee shall except with the previous sanction of the appointing authority, accept either directly or indirectly on his own behalf or on behalf of any other person or permit any member of his family so to accept from any person any gift of more than a trifling value:

Provided that gifts of a value, reasonable in circumstances of the case, may be accepted from relations and personal friends or presented to such persons on occasions such as weddings, anniversaries, funerals and religious functions, when the making or receiving of such gifts is in conformity with the prevailing religious or social customs; but acceptance of such gifts other than those of trifling value should be reported to the appointing authority and the gifts shall be disposed of in such a manner as he may be directed.

(2) If a question arises whether any gift is of a trifling value or not, or where a Board employee is in any doubt whether a gift offered to him is of a trifling value or not, a reference shall be made to the appointing authority by such Board employee and the decision of the appointing authority thereon shall be final.

EXPLANATION: Whether or not a gift should be treated as of a trifling value shall depend on who the donor is and the circumstances in which the gift is made. A gift exceeding in value of 1/20th of the monthly emoluments of a Board employee or Rs. 500.00, whichever is less, from a person who is not his relation or personal friend shall ordinarily be regarded as a gift of trifling value. Gifts from relatives and personal friends up to the value of 1/8th of the monthly emoluments of the Board employee or Rs. 75,000, whichever is less, or even up to the value of 1/2th of such emoluments or Rs. 1, 000, 00 (Rupees One Lakh Only) whichever is less, on special occasions such as mentioned in the proviso to sub — reg. (1) may be regarded as of trifling value.

(3) If a Board employee or any member of his family cannot, without giving undue offence, refuse a gift of substantial value, he may accept the same, but the fact should be reported by the Board employee to the appointing authority who may in his discretion either permit him or the member of his family to retain the gift or direct him to return it to the donor or to deliver it to the Board.

(4) No sanction shall be accorded in any circumstances to accept gifts of more than trifling value by a Board employee from the subordinates at the time of transfer. There is, however, no objection to accept gifts from the subordinate staff on the eve of retirement.

NOTE 1 --- A casual meal, or other social hospitality shall not be deemed to be a gift.

NOTE 2 --- For the purpose of this rule, the following shall also be included amongst gifts, namely:

- (a) Habitual use of vehicle or conveyances belonging to a person who is not his relation or a personal friend;
- (b) Traveling free of charge, in any public conveyance; and,
- (c) Accepting, free of charge or without making payment, any provisions or supplies or other articles which a Board employee, may receive from others.

(5) A Board employee shall not accept any gift from any foreign firm or company which is either contracting with the Board or is one with which the Board employee had had or is likely to have official dealings.

21. Dowry: No Board Employee Shall

- (i) Give or take or abet the giving or taking of dowry; or
- (ii) Demand directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be any dowry.

EXPLANATION. --- For the purposes of this rule, "dowry" has the same meaning as in the Dowry Prohibition Act, 1961.

22. Public Demonstration in Honor of Board Employee. --- No Board employee shall, except with the previous sanction of the Board, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour, or in the honour of any other Board employee:

Provided that nothing in this regulation shall apply to —

- (i) A farewell entertainment of a substantially private and informal character held in honour of Board employee or any other Board employee on the occasion of his retirement or transfer or any person who has recently quitted his service under the Board; or
- (ii) The acceptance of simple and inexpensive entertainment arranged by public bodies or institutions.

NOTE. Exercise of pressure or influence of any sort on any Board employee to induce him to subscribe towards any farewell entertainment if it is of a substantially private or informal character and the collection of subscriptions from Group 'C' and Group 'D' employees is forbidden.

23. Naming of buildings, bridges, roads, etc. No Board employee shall, without the previous sanction of his appointing authority, allow any buildings, roads, bridges, parks or public institutions such as hospitals, schools or colleges, etc. to be named after him.

24. Connection with the press or radio or electronic media. (1) No Board employee shall, except with the previous sanction of the Board, own wholly or in part or conduct or participate in the editing or managing of any newspaper or periodical publication.

(2) No Board employee shall.

(a) Participate in a radio broadcast or electronic media appearance, except with the previous sanction of the Board; or

(b) Contribute, without the previous sanction of his appointing authority, any article or write any letter either anonymously or in his own name or in the name of any other person to any newspaper or periodical:

Provided that no such sanction shall be required if such broadcast or such contribution is of a purely literary, artistic or scientific character and does not contain any matter which a Board employee is forbidden by Reg. 10 to disclose.

NOTE 1 A Board employee who has been asked to deliver a broadcast talk shall while asking for the sanction of the Board under sub reg. (2) report the department / office under which he is employed the subject of his proposed talk, whether it is connected with his official work or not.

NOTE 2 If the talk is on a subject directly or indirectly connected with his official work on which he is at present employed or on which he has been employed, he must submit to the Board the full text of the talk for examination and the talk shall not be delivered without the previous approval of the Board.

25. Prosecution of Studies by Board Employees in Educational Institutions. --- No Board employee, while in Board service shall join or attend any educational institution for the purpose of preparing himself for and / or shall appear at any examination of a recognized abroad or University without obtaining previous permission from the appointing authority.

Provided that the appointing authority may refuse such permission in the interest of public service on consideration that such joining or attending any educational institution to appearing at any examination may create dislocation of work or stand in the way of the efficient discharge of his duties by the Board employee concerned. Permission for study leave or any other kind of leave granted for the

purpose of joining or attending any educational institution shall be subject to the condition that the Board employee shall not seek election to or hold any elective office in Students Union or other Association of students except associations formed for purely literary, academic or athletic pursuits

EXPLANATION.

Normally no one should be allowed to continue studies beyond the Degree Course. Persons doing executive work should not normally be given permission to pursue studies. Moreover where giving permission means leaving a big gap in the working strength of the office, permission may be refused by the appointing authority at his discretion.

- 26. Vindication of acts and character of Board employee.** (1) No Board employee shall, except with the previous sanction of the Board, have recourse to any Court or to the press for the vindication of any official act which has been the subject matter of adverse criticism or an attack of a defamatory character.

(2) Nothing in this regulation shall be deemed to prohibit a Board employee from vindicating his private character or any act done by him in his private capacity and where any action for vindicating his private character or any act done by him in private capacity is taken, the Board employee shall submit a report to the appointing authority regarding such action.

NOTE 1 This regulation does not prohibit a Board employee to have recourse to any' court of law against the Board for the redress of his grievances arising out of his employment or conditions of service and the Board's permission for such a course of action is not required. At the same time the Board employee is expected to exhaust all normal official channels of redress before resorting to such course of action.

NOTE 2 (a) When allegations are made in the Press or by individuals against a Board employee in respect of his conduct in the discharge of his public functions a preliminary confidential enquiry by a senior officer should be ordered by the Board.

(b) If such an enquiry leads to the conclusion that the allegations are based on ignorance, insufficient information or even malice, it should be further considered whether having regard to the nature and circumstances of the case, any action in a Court of Law is necessary to vindicate the conduct of the Board employee concerned, for, in cases, more publication of the results of the enquiry may not always carry conviction with the public. If it is decided to have to resort to a Court of Law, it should also be considered whether Board should themselves initiate proceedings. If, on the other hand, it is considered as a result of the enquiry that there are reasonable grounds to doubt the propriety and correctness of the conduct of the Board employee, or if the enquiry is not conclusive, the Board may entrust the case to the Police for investigation, or order a full departmental enquiry under the relevant rules orders or require the officer to vindicate his conduct by resorting to a Court of Law.

(c) In case where the Board decides to initiate criminal proceedings themselves, the complaint can be filed within six months of the date of the alleged offence under the provisions of Section 198 — B of the Criminal Procedure Code. Where the Board decides to institute civil proceedings, the usual procedure for institution of civil proceedings by Board may be followed.

(d) In cases where the Board employee is required to vindicate his conduct in a Court of Law, the Board may consider to extend financial assistance.

(e) Where a Board employee desires to institute proceedings suo-moto to vindicate his conduct in the course of the discharge of his official duties, he will have to obtain the previous sanction of the Board. If the Board decides to grant the financial assistance, no question of reimbursement of any expenses to the Board employee will arise.

27. **Canvassing of non — official or other Outside Influence. ---** No Board employee shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Board.

NOTE. It has been noticed that representations / petitions are being sent by relatives like the wives, parents, etc., of the Board employees relating to their service matters. This practice is not only in utter disregard of the rules, but is also an affront to the personal dignity of the officials, when they themselves have the full right to represent in regard to their service matters. The official channels available to them for redressal of their grievances should be utilized to the full by the aggrieved officials. If they allow their relatives to step in, they will be running the risk of their grievances remaining unattended, as under the rules, no attention need be paid to representations made by persons other than the officials concerned. Individual dignity and decency also require that such a practice should be avoided in their own interest.

28. **Submission of petitions.** No Board employee shall submit any petition direct to the Board or to any higher authority otherwise than through his immediate departmental superior and no Board employee shall send copies of such petitions to outside authorities, who are not directly connected with the consideration thereof (e.g. , Members of Legislature or Ministers).

NOTE. --- A Board employee, wishing to press a claim or to seek redress of a grievance in any matter connected with the service rights or conditions shall address his immediate official superior or the head of his office or such other authority at the lowest level, as is competent to deal with the matter. An appeal or representation to a higher authority must not be made unless the appropriate lower authority has already rejected the claim or refused relief or ignored or unduly delayed the disposal of the case. When such an appeal or representation is made, it shall be

submitted through the proper channel, though a copy of the appeal or representation may, at his stage, be sent direct.

29. **Restriction Regarding Marriage.** --- (1) No Board employee shall enter into, or contract a marriage with a person having a spouse living.

(2) No Board employee having a spouse living, shall enter into, or contract, a marriage with any person:

Provided that the Board may permit a Board employee to enter into, or contract, any such marriage as is referred to in sub — reg. (1) or sub — reg. (2), if it is satisfied that

(a) Such marriage is permissible under the personal law applicable to such Board employee and the other party to the marriage; and

(b) There are other grounds for so doing.

(3) A Board employee who has married or marries a person other than an Indian national shall forthwith intimate the fact to the Board.

30. **Formation, Recognition and Regulation and Procedures of the Service Association.**

(1) The Board employees of an Office and department who desires to form an association shall convene a meeting and pass a resolution to form themselves an association and seek the Board recognition. The resolution signed by all the members present at the meeting together with a copy of the Constitution of the association shall be forwarded to the Head of the Office / Department, who shall after scrutinizing the Constitution to ensure that it does not contain any provision contrary to the instructions, if any, issued by the Board in the matter. If any amendments in the Constitution are necessary, he shall ask the conveners to have them carried out. The resolution and the proposed Constitution shall be forwarded by him to the Board.

(2) Subject to fulfillment of provisions of sub- reg. (1), the Board may grant recognition to the association subject to such conditions as may be considered necessary.

(3) The association shall from time to time submit the copies of the rules of the association and the annual statement of its accounts and lists of its office bearers and members to the Board.

(4) All communications as well as representations shall be addressed to the Executive Chairman through the Head of Office/ Department.

(5) Any amendment of a substantial character proposed to be made in the rules of the association shall be first communicated through proper channel to the Executive Chairman.

(6) The competent authority as may be specified by the Board shall so far as it is possible grant casual leave to an employee who is a representative of a recognised association to attend duly constituted meetings of the association. The grant of such casual leave shall be subject to the exigencies of public service.

31. **Membership of the Service Association.** (1) No Board employee shall be a member, representative or office bearer of any association representing or purporting to represent Board employees unless such association is recognised, and no official recognition shall be given to such association which does not comply with the following conditions, namely:

(a) Membership of the association (s) shall be confined to Board employees of a office/ department only and its office bearers, including the President and the Secretary shall be selected or elected only from amongst its members;

(b) The association shall not be in any way connected with or affiliated to any association or federations which do not satisfy the provisions of Clause (a) above;

(c) The association shall not in any way be connected with any political party or organization or engaged in any political activities; -

(d) The association shall not in respect of any election to a Legislative Body whether in India or elsewhere or to a local authority or both'

(i) Pay or contribute towards any expenses incurred by a candidate for such election;

(ii) By any means, support the candidature of any person for such election;

(iii) Undertake or assist in the registration of electors or the selection of candidates for such election; or

(iv) Maintain or contribute towards the maintenance of any member of such Legislative Body or local authority or Body;

(e) The association shall not:-

(i) Publish any periodical except in accordance with any general or special permission of the Board and such permission shall be given only on condition that writing in the publication is confined to the members of the association only and that no letters or articles under non — de — plum or pseudonym criticism of or comments on any Board communiqué. individual grievances against orders passed by a competent authority,

notice or strikes or of organized action with a view to discrediting the Board are published; and

(ii) Except with the previous sanction of the Board publish any representation on behalf of its members, whether in the press or otherwise.

(f) The association shall not:-

(i) Allow any outsider to attend its meetings; or

(ii) Pay or contribute towards the expenses of any Trade Union which has constituted fund.

32. **Interpretation.** --- If any question arises relating to the interpretation of these regulations, it shall be referred to the Board whose decision thereon shall be final.

33. **Repeal and Saving**-- Any rules corresponding to these regulations in force immediately before the commencement of these regulations, are hereby repealed:

Provided that any order made or action taken under the regulations or rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these regulation:

Provided further that such repeal shall not affect the previous operation on the regulation so repealed and a contravention of any of the said regulation shall be punishable as if it were a contravention of these regulations.



PRAVIN BAKSHI,
Executive Chairman,
Meghalaya Board of School Education,
Tura.